

Appeal from decision of New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease application. NM 51472.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

Failure to complete properly information required on a simultaneous oil and gas lease application renders the application defective and requires rejection of the application based upon the mandatory requirements in 43 CFR 3112.2-1. These requirements are strictly applied and, therefore, an affirmative answer to questions (d), (e), and (f) on the application dealing with the applicant's qualifications to hold a lease, even though resulting from inadvertent error, renders the application defective.

APPEARANCES: Frank L. Greene, pro se.

OPINION BY ADMINISTRATIVE JUDGE MULLEN

Frank L. Greene has appealed from a decision of the New Mexico State Office, Bureau of Land Management (BLM), dated February 24, 1982, rejecting appellant's simultaneous oil and gas lease application, NM 51472, because he answered questions (d), (e), and (f) on his application in the affirmative, indicating he was disqualified to receive a lease.

Appellant's application was drawn with first priority for parcel NM 797 at a simultaneous oil and gas lease drawing held on December 17, 1981. Appellant checked the box marked "Yes" in response to questions on the back of his application form, items (d), (e), and (f). This series of questions relates to an applicant's qualifications to hold a lease. Each question is followed by boxes to be checked "Yes" or "No" in response. The questions are:

(d) Does any party, other than the applicant and those identified herein as other parties in interest, own or hold any interest in this application, or the offer or lease which may result?

(e) Does any agreement, understanding, or arrangement exist which requires the undersigned to assign, or by which the undersigned has assigned or agreed to assign, any interest in this application, or the offer or lease which may result, to anyone other than those identified herein as other parties in interest?

(f) Does the undersigned have any interest in any other application filed for the same parcel as this application?

In his statement of reasons appellant states "I am not a member of an oil company, nor do I hold any interest in same. I have no agent or filing service to which an interest of this parcel is promised." He contends that he mistakenly crossed out three "Yes" boxes. He indicates the only reason for this mistake was his own carelessness and that he fully intended to answer "No" to these questions.

[1] When appellant checked the "yes" box for question (d) he indicated there was another party in interest in the application. Such a response required a further disclosure of the nature of that interest within 15 days of the filing of the application. 43 CFR 3102.2-7(b) (1981). No further filing was made as indicated by appellant because of the circumstances of the original error. It is well established that failure to comply with 43 CFR 3102.2-7(b), must result in rejection of the application, Bob Reid, 64 IBLA 17 (1982).

When appellant checked the "yes" box for question (e) he indicated he had assigned an interest in the lease application in violation of 43 CFR 3112.4-3. Similarly, appellant's affirmative answer to question (f) indicated he was in violation of 43 CFR 3112.2-1(f) prohibiting multiple filings in such drawings. Applications clearly in violation of the regulations must be rejected by the BLM. Appellant's inadvertent error cannot be excused. In cases such as this where the applicant has mistakenly responded to these questions, this Board has held that the application must still be rejected as not being properly completed. Nancy Y. Otani, 58 IBLA 38, 40 (1981); H. L. McCarroll, 55 IBLA 215-16 (1981). See also Neff v. Watt, Civ. No. 82-0337-B (D. Wyo. Jan. 21, 1983), where the court held that rejection was proper because the appellant failed to answer questions (d), (e), and (f).

The current regulations provide that an application consists of an approved form "completed, signed and filed pursuant to the regulations in this subpart" and that the "properly completed and signed lease application shall be filed in the proper office of the Bureau of Land Management." (Emphasis added.) 43 CFR 3112.2-1(a) and (g). We have held that the proper completion of a lease application is a mandatory requirement and that failure to properly complete such an application must result in rejection of the

application. Nancy Y. Otani, supra. It is recognized that the Bureau of Land Management must process a large number of simultaneous oil and gas lease applications. In order that this task be carried out within the time limits imposed by the notice, it is necessary that the Bureau staff not be required to look beyond the face of the application to determine if the applicant is qualified to hold a lease. This application was not properly completed because appellant provided "yes" answers which automatically resulted in violations of the regulations as indicated. Nancy Y. Otani, supra. Accordingly, BLM properly rejected appellant's application.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

R. W. Mullen

Administrative Judge

We concur:

C. Randall Grant, Jr.
Administrative Judge

Anne Poindexter Lewis
Administrative Judge.

