

WILLIAM B. COLLISTER

IBLA 82-1052

Decided May 12, 1983

Appeal from decision of Wyoming State Office, Bureau of Land Management, dismissing protest against return of simultaneous oil and gas lease application for 13 parcels. WY 155, et al.

Affirmed.

1. Oil and Gas Leases: Applications: Filing

BLM properly returned an automated simultaneous oil and gas lease application as part of a group of filings with a single remittance, under 43 CFR 3112.2-2(b), where two applications were filed and the various checks submitted therewith, were insufficient to cover all of the filing fees, and not clearly allocated between the applications so as to apply to a separate grouping for which there would be sufficient fees.

APPEARANCES: William B. Collister, pro se; Hugh C. Garner, Esq., and Rosemary J. Beless, Esq., Salt Lake City, Utah, for first-drawn applicant, Beverley Lasrich; C. M. Peterson, Esq., Denver, Colorado, for first-drawn applicant, Betty Adkins.

OPINION BY ADMINISTRATIVE JUDGE FRAZIER

William B. Collister has appealed from a decision of the Wyoming State Office, Bureau of Land Management (BLM), dated June 15, 1982, dismissing his protest against return of his automated simultaneous oil and gas lease application submitted for 13 parcels in the March 1982 oil and gas lease drawing.

By letter dated June 2, 1982, appellant protested the return of his simultaneous oil and gas lease application filed in the March 1982 oil and gas lease drawing. 1/ Therein he stated that BLM rejected his application

1/ The application covered 13 parcels listed as follows: WY 155, WY 242, WY 417, WY 419, WY 431, WY 479, WY 483, WY 489, WY 490, WY 560, WY 561, WY 582, and WY 584. Beverley Lasrich was the first-drawn applicant for parcel WY 490, and Betty Adkins was the first-drawn applicant for parcel WY 584.

"because L. Alice Collister's application had an insufficient remittance." The decision dismissing appellant's protest gave the following reasons for returning his application:

Your application, William B. Collister, and the application of L. Alice Collister were received together with nineteen \$100 cashier's checks and one \$25 personal check. The nineteen cashier's checks identified William B. Collister as the remitter, and the personal check was signed by Mr. Collister. William B. Collister applied for thirteen Wyoming parcels, as did L. Alice Collister. The total remittance required for both applications was \$1,950; only \$1,925 was received.

43 CFR 3112.2-2(b), Filing Fees, states in part: "A single remittance is acceptable for a group of filings. Failure to submit sufficient fees to cover all filings shall render unacceptable the entire group of filings submitted with that remittance."

This group of filings can consist of only two applications or two thousand. The filings of yourself and L. Alice Collister were considered a group filing. We cannot arbitrarily decide whose filings remain in the drawing when the filing fees are insufficient, i.e., we could not accept only your application and reject L. Alice Collister's application, or vice versa.

In his statement of reasons for appeal, appellant admits that his filing was accompanied by the application of L. Alice Collister for the same parcels, but states that BLM erroneously applied 43 CFR 3112.2-2(b) in a situation where there was not a single remittance for a group of filings but rather "20 separate remittances." In addition, he claims that it was arbitrary and capricious for BLM to reject his application when he had "personally arranged for 19 cashier's checks to be submitted and also made a personal check for \$25 to cover his portion of the filing fees," which totaled \$975. (Emphasis added.) On appeal, appellant submitted copies of 19 cashier's checks bearing the notation "RE: William B. Collister" and a personal check drawn on appellant's account.

Respondents contend that BLM properly considered the automated simultaneous oil and gas lease applications of appellant and L. Alice Collister to be a group of filings with a single remittance, within the meaning of 43 CFR 3112.2-2(b). Appellant maintains that his application should be considered a separate filing from that of the application of L. Alice Collister and that the various checks submitted with the two applications should be applied to cover the filing fees for his application because he had personally arranged for the checks. Under the circumstances, we conclude that the applications of appellant and L. Alice Collister must be considered a group of filings.

The fact that the two applications were submitted together would not be dispositive of the question of whether they constitute a group filing if there had been included with the submission instructions advising BLM that certain checks were intended to be applied separately to one or the other group of filings, evidencing the existence of two distinct independent groups. As it

was, BLM received two applications, each for 13 parcels, and 20 checks all bearing appellant's name, none specifying to which application any one should apply. The total remittance required for each application was \$975. However, because the checks submitted with the application were in denominations of \$100 and \$25, no group of checks could be allocated to cover the exact amount due on either application. Since BLM could not establish which of the various checks were to be applied to one or the other application, there was no basis to conclude that two separate groups of filings were intended, and we reject appellant's argument that BLM should have accepted his application and attributed the deficiency in the filing fees to that of L. Alice Collister, merely because his name appears on the checks.

Accordingly, the two applications must be considered a "group of filings" with a single remittance, within the meaning of 43 CFR 3112.2-2(b). It is irrelevant for these purposes that appellant submitted 1 check or 20 checks. There simply was no way to allocate the checks as between the two applications and they must be considered a single remittance. Fred L. Engle, 66 IBLA 94 (1982).

We need only reiterate that the processing of applications in a simultaneous oil and gas lease drawing is a substantial administrative task and where such a burden is involved, and where the rights of other applicants are involved, it is not unreasonable for the Department to demand strict compliance with filing requirements, and it is not required to take extra steps to protect those who do not carefully comply from the foreseeable consequences of their deficiencies. Allen W. Taylor, 56 IBLA 143 (1981); Federal Energy Corp., 51 IBLA 144 (1980). 2/ BLM properly returned appellant's simultaneous oil and gas lease application pursuant to 43 CFR 3112.2-2(b).

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.

Gail M. Frazier
Administrative Judge

We concur:

C. Randall Grant, Jr.
Administrative Judge

Will A. Irwin
Administrative Judge

2/ Suit for judicial review dismissed with prejudice on plaintiff's motion for voluntary dismissal. Federal Energy Corp. v. Dept. of the Interior, Civ. No. 81-0433 (D.D.C., Apr. 27, 1981).

