

JOSEPHINE SLOPER

IBLA 83-85

Decided July 19, 1983

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease application NM 43431.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: Applications: Filing

A simultaneous oil and gas lease application is properly rejected where the application is dated prior to commencement of the filing period.

2. Notice: Generally -- Regulations: Generally -- Statutes

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: Josephine Sloper, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Josephine Sloper has appealed from the September 13, 1982, decision of the New Mexico State Office, Bureau of Land Management (BLM), which rejected simultaneous oil and gas lease application NM 43431 for parcel NM-35. The appellant's oil and gas lease application was originally drawn with second priority in the drawing held on December 22 and 23, 1980, but gained first priority following BLM's rejection of the first-drawn application. In Kenneth H. Gray, 60 IBLA 110 (1981), this Board affirmed the rejection of this first-drawn application.

The appellant's application was rejected because it had been dated September 16, 1980, which was not within the filing period for the November 1980 filings. BLM states that the filing period ran from November 3 through 24, 1980. The decision of BLM was based on 43 CFR 3112.2-1(c) which requires the application to be signed within the filing period.

Appellant states on appeal that her filings were made by Northwest Oil and Gas (NOG), a filing service no longer doing business. She indicates that she received the application cards from NOG with no information of the filing period. Only a letter with a sample card advising her to sign, date, and return the cards was provided by way of instructions.

[1] Under 43 CFR 3112.2-1(c), a simultaneous oil and gas lease application must not only be dated at the time of signing, but the date on the application must also reflect that it was signed within the filing period. An application, such as appellant's, that bears a date prior to the filing period violates these requirements and is properly rejected. 43 CFR 3112.6-1(a); Raymond N. Joeckel, 68 IBLA 195 (1982); Leonard Thompson, 62 IBLA 236 (1982). Strict compliance with the requirements of 43 CFR 3112 is enforced in order to protect the rights of other qualified applicants. Ballard E. Spencer Trust, Inc., 18 IBLA 25 (1974); aff'd, Ballard E. Spencer Trust, Inc. v. Morton, 544 F.2d 1067 (10th Cir. 1976).

[2] While it is unfortunate that NOG did not provide appellant with sufficient information on the correct procedures for completing her card, as a person dealing with the Government, appellant is presumed to have knowledge of relevant statutes and duly promulgated regulations. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); 44 U.S.C. §§ 1507, 1510 (1976). See also Herbert W. Winston, 61 IBLA 199 (1982).

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.

Anne Poindexter Lewis  
Administrative Judge

We concur:

Bruce R. Harris  
Administrative Judge

Edward W. Stuebing  
Administrative Judge

