

LEONARD MINERALS CO.

IBLA 83-209

Decided July 28, 1983

Appeal from decision of the Colorado State Office, Bureau of Land Management rejecting simultaneous oil and gas lease applications C-36006, C-36007, C-36011, C-36013, and C-36084.

Reversed.

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

It is improper to reject a simultaneously filed oil and gas lease application because of the alleged failure of the signatory to indicate his relationship to the applicant where the applicant is a partnership and the signatory is a partner authorized to act in its behalf, and the application is correctly noted with a reference to the BLM serial number where the articles of partnership and the names of those authorized to act are on file. In those circumstances, the regulatory requirement that the application be rendered in a manner to reveal the name of the applicant, the name of the signatory, and their relationship, is satisfied.

APPEARANCES: Don M. Fedric, Esq., Roswell, New Mexico, for appellant.

OPINION BY ADMINISTRATIVE JUDGE GRANT

Leonard Minerals Company has appealed from decisions of the Colorado State Office, Bureau of Land Management (BLM), dated November 10, 1982, rejecting simultaneous oil and gas lease applications. Appellant's applications received first priority for parcels CO-105 (C-36006), CO-106 (C-36007), CO-111 (C-36011), CO-113 (C-36013), and CO-184 (C-36084) in the May 1982 simultaneous oil and gas lease drawing. The Colorado State Office rejected the applications stating: "Leonard Minerals Company was the applicant and the application was signed by Obie P. Leonard, Jr. No indication of the relationship between the applicant and the person signing the application appears on the application." The decision referenced 43 CFR 3112.2-1(b), which provides, in part: "Applications signed by anyone other

than the applicant shall be rendered in a manner to reveal the name of the applicant, the name of the signatory, and their relationship."

On appeal counsel for appellant argues, inter alia, that Obie P. Leonard, Jr., signed as a partner authorized to act on appellant's behalf.

In May 1982 Leonard Minerals Company filed simultaneous applications in the Colorado State Office, BLM, for various parcels in the May 1982 drawing. The application listed the "Leonard Minerals Company" as the applicant in the appropriate space. The application was completed to show that statements of qualification had previously been filed in the State of New Mexico, and assigned identification number NM 43000. The application was signed by Obie P. Leonard. The signatory, Leonard, was not otherwise identified on the application, but the information held out by appellant as being on file under NM 43000 identifies him as a partner who is individually authorized to act for appellant company.

The requirements of 43 CFR 3112.2-1(b) are satisfied where the oil and gas lease application refers to a qualifications file setting forth the relationship between a signatory and the applicant, even though the relationship is not apparent on the face of the application. ^{1/} In completing the application with a reference to the qualifications file, the application clearly was "rendered in a manner" to provide the necessary information. Hickory Creek Oil Co., 73 IBLA 173 (1983); Hercules (A Partnership), 67 IBLA 151 (1982).

Having so found we need not address appellant's other arguments on appeal.

Accordingly, 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 reversed.

C. Randall Grant, Jr.
Administrative Judge

We concur:

Bruce R. Harris
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

^{1/} We note that the regulation providing for filing by reference, 43 CFR 3102.2-1(c) (1981), was eliminated in the Feb. 26, 1982, rulemaking. However, despite that fact, it was improper for BLM to ignore the reference number on the application. We are unaware of any BLM directive which has ordered the elimination of those reference files. In addition, in at least one instance BLM has retained a regulation, 43 CFR 3112.4-1(b), allowing a regulatory requirement to be satisfied (filing of a power of attorney) by "reference to a serial number under which such authorization is filed."