

Appeal from decision of California State Office, Bureau of Land Management, rejecting oil and gas lease offers. CA 10745, CA 10746, and CA 10747.

Dismissed.

1. Oil and Gas Leases: Applications: Generally--Oil and Gas Leases: First-Qualified Applicant

A junior over-the-counter noncompetitive oil and gas lease offer is properly rejected where the lands have been leased to a senior offeror and the junior offeror fails to provide valid reasons why the senior offer should be considered defective.

2. Administrative Procedure: Burden of Proof--Appeals-- Evidence: Burden of Proof--Evidence: Sufficiency--Rules of Practice: Appeals: Burden of Proof--Rules of Practice: Appeals: Statement of Reasons--Rules of Practice: Evidence

It is the obligation of the appellant to show error. Therefore, when a statement of reasons does not with some particularity show adequate reasons for appeal and support the allegations with evidence showing error, the appeal cannot be afforded favorable consideration.

APPEARANCES: Roger K. Stewart, Esq., Fresno, California, for appellant.

OPINION BY ADMINISTRATIVE JUDGE MULLEN

Bob G. Howell has appealed from a decision of the California State Office, Bureau of Land Management (BLM), dated February 2, 1983, rejecting his over-the-counter, noncompetitive oil and gas lease offers CA 10745, CA 10746, and CA 10747, which were filed with the California State Office, BLM, on July 27 and 28, 1981. <sup>1/</sup> Two reasons were given for rejection. The

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<sup>1/</sup> The offers described the following lands. CA 10745: T. 9 S., R. 10 E., San Bernardino meridian; secs. 8 and 16, all; sec. 18, lots 1 and 2 NW 1/4, lots 1 and 2 SW 1/4, E 1/2; sec. 31, lots 1 and 2 NW 1/4, lots 1 and 2 SW 1/4, E 1/2, containing 2,568 acres.

CA 10746: T. 9 S., R. 10 E., San Bernardino meridian; secs. 10, 12, 14, and 34, all, containing 2,560 acres.

first was the inclusion of lands which were patented without mineral reservations in application CA 10745. The second was that the remaining lands in application CA 10745 and all the lands in applications CA 10746 and CA 10747 were subject to an active oil and gas lease issued as a result of an offer filed prior to appellant's offers.

On February 16, 1983, appellant filed a timely notice of appeal asserting "improper handling of the successful bid which allowed it to be successful." In support of this allegation appellant states that on July 27, 1981, he requested and received a map (plat) which was current as of July 1, 1981, which did not list application CA 10244. 2/ Appellant also alleged that at a date after July 27, 1981, he sought to review file CA 10244, and that the file for offer CA 10244 was not readily available for his inspection. Appellant further admits that his allegations "do not show an error of law requiring reversal"; however, he believes an investigation is warranted.

[1] A noncompetitive oil and gas lease may only be issued to the first-qualified applicant, 30 U.S.C. § 226(c) (1976). A junior offer is properly rejected to the extent that it includes lands designated in a senior offer and the junior offeror fails to provide valid reasons why the senior offer should be considered defective. Irvin Wall, 71 IBLA 209 (1983).

[2] Even though it appears that the BLM plat was not updated in a timely manner, appellant has failed to establish any defect in the senior offer or point out any irregularity in the treatment of either offer by BLM.

A statement of reasons which fails to point out how the decision appealed from is in error, does not meet the requirements of the Department's rules of practice and the appeal therefore may be dismissed. United States v. Connor, 72 IBLA 254, 256 (1983). In this case counsel for appellant admitted that he had shown no error.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

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R. W. Mullen  
Administrative Judge

We concur:

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Bruce R. Harris  
Administrative Judge

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Anne Poindexter Lewis  
Administrative Judge

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fn. 1 (continued)

CA 10747: T. 9 S., R. 10 E., San Bernardino meridian; secs. 21, 23, and 26, all, containing 1,920 acres.

2/ The offer of "SOCO 1980 Acreage Program" (CA 10244) was filed June 12, 1981, and a lease issued with an effective date of Feb. 1, 1983.

