

JOHN W. CHILDRESS

IBLA 83-783

Decided September 14, 1983

Appeal from the dismissal of a protest by the third-drawn applicant for an oil and gas lease against the prospective issuance of a lease to either the first or second drawn applicants. W-85201.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings -- Rules of Practice:
Appeals: Statement of Reasons

A decision dismissing the protest of the third-drawn oil and gas lease applicant against the prospective issuance of the lease to either the first or second-drawn applicants will be affirmed where the statement of reasons for appeal merely repeats the wholly unsubstantiated allegations of the protestant that the others each had made agreements which invested third parties with undisclosed interests in their applications, in violation of regulations.

APPEARANCES: Robert E. Childress, Esq., Marshfield, Missouri, for appellant; Laura L. Payne, Esq., Denver, Colorado, for respondent James L. Clouse.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

John W. Childress was the third-drawn applicant for an oil and gas lease for parcel WY-485 in the March 1983, drawing conducted by the Wyoming State Office of the Bureau of Land Management (BLM). J. L. Clouse obtained first priority, and J. S. Wold, was drawn for second priority. Thereafter Childress filed a protest with BLM in which he contended that both Clouse and Wold had "an undisclosed agreement * * * with undisclosed parties" by which such parties had acquired an interest, and thus neither Clouse nor Wold were the sole parties in interest, as they had represented themselves to be on their respective applications. Childress further asserted that both Clouse and Wold had undisclosed interests in other applications which

had been filed for parcel WY-485. Childress provided no evidence or specific information in support of these allegations.

BLM, by its decision of June 13, 1983, dismissed the protest, noting that "the drawees have certified under penalty of law that they are the sole party [sic] in interest on their respective applications," and adding, "We contentions." Childress has appealed from that decision.

In his statement of reasons for appeal Childress has only altered his contentions stated in the protest by identifying the "undisclosed parties" he asserts have "undisclosed interests" in the Clouse and Wold applications. He charges that Clouse has an agreement with his filing service to assign any interest in his application to the filing service. He charges that Wold "has an agreement, understanding, or arrangement which requires him to assign any interest in this application to James P. Wold, J. S. Wold and P. I. Wold * * *." He also added a new contention, not addressed below, that Clouse did not submit with his lease application a personally signed statement as to any understanding or written agreement he had with the filing service which prepared his application. Childress appended to his appeal a copy of BLM's published list of applicants, without specifying how that list served to support his contentions.

In responding, Clouse correctly points out that the regulation which previously had required the submission of a signed statement regarding any understanding or agreement between the applicant and an entity who assisted in the preparation of the application, 43 CFR 3102.2-6 (1981), was repealed effective February 26, 1982, prior to his filing of the application at issue. 47 FR 8545. He further denied the existence of any outstanding undisclosed interest in his application, and denied that he held any interest in any other application filed for parcel WY-485.

Clouse was the only person with that name who filed for that parcel. We note that four persons with the surname "Wold," all of Wyoming, also filed for that parcel. But were we to presume an undisclosed agreement between the applicants named Wold to share in a lease which might issue to them and disqualify the application of John S. Wold on this basis, then we would also be bound, a priori, to disqualify that of appellant, as there were four applicants with the surname "Childress," all from Missouri, who also filed for parcel WY-485 in that same drawing.

We conclude that appellant's allegations are wholly unsubstantiated, even by meager evidence. It is the responsibility of a protestant against the issuance of an oil and gas lease to support his contentions with sufficient evidence to warrant further inquiry or investigation by BLM. Lee S. Bielski, 39 IBLA 211, 222, 86 I.D. 80, 86 (1979). Appellant in this case has failed to do so.

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.

Edward W. Stuebing
Administrative Judge

We concur:

James L. Burski
Administrative Judge

Bruce R. Harris
Administrative Judge

