

WILLIAM B. RAWLINS

IBLA 83-678

Decided September 27, 1983

Appeal from decision of the Utah State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer, U 52924.

Affirmed as modified.

1. Oil and Gas Leases: Acquired Lands Leases -- Oil and Gas Leases:
Applications: Description

An oil and gas lease offer for acquired lands is properly rejected where it contains an incomplete land description, specifically, the failure to specify the section as required by 43 CFR 3101.2-3(a).

APPEARANCES: William B. Rawlins, pro se.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

William B. Rawlins has appealed from the April 19, 1983, decision of the Utah State Office, Bureau of Land Management (BLM), which rejected his noncompetitive, over-the-counter oil and gas lease offer for acquired lands (U 52924). BLM stated that the appellant failed to specify the section where the desired lands were located, in violation of 43 CFR 3101.1-4(a). The application listed, under land requested: "State: Utah; County: Davis; T. 2 N: R. 1 E: S.L. Meridian; Northwest quarter of the southeast quarter, southeast quarter of the northwest quarter, east half of the northeast quarter of the southwest quarter. Total area 100 acres." Appellant stated that the omission was due to a typographical error. He submitted with his appeal a single copy of his handwritten offer, this time with the added notation "Sec 8" under land requested.

[1] In its decision, BLM referred to 43 CFR 3101.1-4(a), the land description regulation for oil and gas lease offers for surveyed public domain lands. However, because appellant applied for acquired lands, the applicable regulation is 43 CFR 3101.2-3(a), the parallel regulation for surveyed acquired lands. Both regulations require the offeror to describe the land by legal subdivision, section, township, and range. The purpose of these regulations is to require offerors to submit land descriptions which are sufficient to delimit the requested lands without ambiguity. Milan S. Papulak,

63 IBLA 16 (1982); Charles J. Babington, 71 I.D. 110 (1964). If the description is not sufficient on its face, the offer is defective. See Susan K. Hankins, 18 IBLA 240 (1974); Babington, *supra*. It is immaterial whether such errors are due to inadvertence or even a typographical slip. Amerada Hess Corp., 34 IBLA 64 (1978).

The appellant did not complete the required land description. The lands sought were not sufficiently delimited. Therefore, BLM correctly rejected the offer. We modify the decision to specify the correct regulation, 43 CFR 3101.2-3(a).

Appellant may wish to file a complete offer; the date of filing the complete offer would then determine its priority. Wilburn H. Seals, 71 IBLA 315 (1983). See generally, Richard F. Carroll (On Reconsideration), 76 IBLA 151 (1983). If he does so, he should file seven complete copies in accordance with the regulations governing acquired lands. See 43 CFR 3111.1-2(a).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the Utah State Office is affirmed as modified.

Will A. Irwin
Administrative Judge

We concur:

Gail M. Frazier
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

