

PIONEER FARMOUT #1 LTD.

IBLA 83-501

Decided October 17, 1983

Appeal from decision of Colorado State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offers C-35253 and C-36258.

Affirmed.

1. Oil and Gas Leases: Applications: Attorneys-in-Fact or Agents -- Oil and Gas Leases: Applications: Drawings

Under provision of 43 CFR 3102.4 a simultaneous oil and gas lease application must reveal the name of the applicant, the name of the signatory to the application, and their relationship. Where the agent's relationship to the applicant is not revealed, the regulation requires the application to be rejected. The defective application may not be cured by amendment on appeal.

APPEARANCES: Edward S. Jacobs, Newbury Park, California, for appellant.

OPINION BY ADMINISTRATIVE JUDGE ARNESS

On March 21, 1983, the Colorado State Office, Bureau of Land Management (BLM), rejected the automated simultaneous oil and gas lease applications of Pioneer Farmout #1 Ltd. for parcel numbers CO-210 and CO-215. The decision to reject the applications states the reason for the rejection as follows:

In the subject cases, Pioneer Farmout #1 Ltd. is the applicant and the application appears to be signed by Edward S. Jacobs. No indication of the relationship between the applicant and the person signing the application appears on the application. In addition, the application form (3112.-6a) made no reference to previously filed qualification statements, nor were qualification documents for Pioneer Farmout #1 Ltd. included with the application. In other words, there is no evidence on record with the Bureau of Land Management which states the relationship between Edward S. Jacobs as signor and Pioneer Farmout #1 Ltd. as applicant.

In response to this decision, Edward S. Jacobs on April 1, 1983, filed a notice of appeal, to which he attached a partnership agreement showing that

Pioneer Farmout #1 Ltd. is a partnership, in which he is a partner. His notice of appeal includes a statement indicating he wishes now to amend his applications by filing the partnership agreement with each filing.

[1] Departmental regulation 43 CFR 3102.4 provides: "Documents signed by anyone other than the present or potential lessee shall be rendered in a manner to reveal the name of the present or potential lessee, the name of the signatory and their relationship." In these two cases, the relationship between the person signing the lease application form and the named applicant was not revealed, and could not be ascertained by BLM, until after the receipt of the notice of appeal with its enclosures.

The Department has consistently required strict adherence to regulations in simultaneous oil and gas lease application matters. See discussion in Maurice W. Coburn, 75 IBLA 293, 295 (1983). Failure to comply with the regulatory requirement that lease applications be executed so as to show the relationship between the person signing the application and the applicant requires rejection of the lease offer. Maurice W. Coburn, supra; Liberty Petroleum Corp., 68 IBLA 387 (1982). Because the rights of other applicants drawn with second and third priority have intervened, the defect in the application form may not be corrected on appeal to reveal the relationship between, in this instance, the partnership applicant and the partner who signed on the partnership's behalf. The Department has the authority only to accept the offer of the first-qualified applicant who has fully complied with all applicable regulations. See John F. Jacobs, 66 IBLA 219, 221 (1982).

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 affirmed.

Franklin D. Arness
Administrative Judge
Alternate Member

We concur:

C. Randall Grant, Jr.
Administrative Judge

Edward W. Stuebing
Administrative Judge

