

FEICK ASSOCIATES

IBLA 83-836

Decided October 18, 1983

Appeal from decision of the Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease application.

Affirmed.

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

Under 43 CFR 3112.2-1(b), a simultaneous oil and gas lease application must be rendered in a manner to reveal the name of the applicant, the name of the signatory, and their relationship. Where there is no reference on the application to the signatory's relationship to the applicant, nor any reference to a qualifications file where the necessary information might be found, the requirements of the regulation have not been satisfied.

2. Notice: Generally -- Regulations: Generally

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: W. Kurt Feick, for Feick Associates.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Feick Associates (Feick) have appealed from a July 11, 1983, decision of the Wyoming State Office, Bureau of Land Management (BLM), rejecting the first-drawn application for parcel WY 381 (W 85097) in the March 1983 simultaneous oil and gas lease filings. The BLM decision stated that the application did not indicate the relationship between the signatory and the applicant. Therefore, the decision states that the application violated 43 CFR 3112.2-1(b) which states, 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, W. Kurt Feick asserts:

The regulation with respect to applicant's relationship to the partnership was not known by me and in view of the fact that I am the General Partner of Feick Associates and the application is in my name and signed by me, I do not feel it is fair to reject this application.

He enclosed a copy of the Feick Associates Partnership agreement with the appeal.

[1] The disputed application was filed in the name of "Feick Associates" and signed by W. Kurt Feick. Nothing on the application indicates the relationship between the signatory and the applicant listed. Nor is there any reference to a qualifications file where the necessary information might be found.

In Hercules (A Partnership), 67 IBLA 151 (1982), appeal dismissed sub nom. Grooms v. Watt, No. 82-2179 (D. Colo. July 13, 1983), we held that 43 CFR 3112.2-1(b) was satisfied where an application referred to a current qualifications file setting forth the relationship between a signatory and the principal even though the relationship was not apparent on the face of the application card. However, where there is no reference to the signatory's relationship to the applicant, nor any reference to a qualifications file where the necessary information might be found, we must find that the applicant has not complied with 43 CFR 3112.2-1(b). Martin, Williams & Judson, 74 IBLA 342 (1983); Liberty Petroleum Corp., 73 IBLA 368, 371 (1983).

[2] The signatory's statement that he was unaware of the regulation is of no avail. All persons who deal with the Government are presumed to have knowledge of the law and of duly promulgated regulations. 44 U.S.C. § 1507, 1510 (1976); Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947). An oil and gas lease application from the first-drawn applicant under the simultaneous filing program which does not comply with 43 CFR Subpart 3112.2 is properly rejected. 43 CFR 3112.6-1(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 Wyoming State Office is affirmed.

Anne Poindexter Lewis
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Will A. Irwin
Administrative Judge

