

OUR TURN NOW ASSOCIATION

IBLA 83-859

Decided October 31, 1983

Appeal from decision of the Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease application W 84967.

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 statements and duly promulgated regulations.

APPEARANCES: Penny King, for Our Turn Now Association.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

Penny King has appealed from a decision of the Wyoming State Office, Bureau of Land Management (BLM), dated July 19, 1983, rejecting the simultaneous oil and gas lease application drawn first in the March 1983 filing for parcel WY 251 (W 84967). BLM found that the application did not indicate the relationship between the signatory and the applicant, in violation of 43 CFR 3112.2-1(b). 1/

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1/ The oil and gas leasing regulations were revised in their entirety effective Aug. 22, 1983. See 48 FR 33648 (July 22, 1983). The rule at issue in this case is found at 43 CFR 3112.2-1(c) of the revised regulations. For the purposes of this decision all references to the regulations are to those in the 1982 volume of Title 43 of the Code of Federal Regulations because those were the regulations in effect when the circumstances of this case arose.

The record on appeal contains a copy of the lease application. The applicant is identified as "Our Turn Now Association, c/o Penny King." The signature, "Penny King," appears alone below. There is no entry in the blank labeled "Qualifications Serial Numbers (If Applicable)."

In her statement of reasons on appeal, Penny King asserts that she filed her application according to instructions. She states also:

My application was signed by me for myself, not by anyone other than the applicant. To further clarify my position, I wish to state: I have been filing under Penny King for several years and have been unsuccessful, therefore, in talking with my 15 year old before filing, he said, "It's our turn now, Mom, it's our turn", so I filed with that thought in mind.

[1] Departmental regulation, 43 CFR 3112.2-1(b), governing simultaneously filed oil and gas lease applications, reads 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." Nothing on the face of this application specifies the relationship between the signatory and the applicant listed. Nor is there any reference to a qualifications file.

In Hercules (A Partnership), 67 IBLA 151 (1982), 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 indication of 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). Kenneth S. Bradke, 73 IBLA 216 (1983).

Appellant says that she is the association. As appealing as her story is, this is not clear from the application. The term "association" certainly is not commonly taken to mean an individual. <sup>2/</sup> The Departmental regulations governing applications for oil and gas leases treat citizens and associations separately. See, e.g., 43 CFR 3102.1; 43 CFR 3112.6-1(c)(3). Further, the use of c/o in front of her name implies she was acting in a representative capacity rather than as an applicant. Cf. Jack Ortman, 76 IBLA 200, 203 (1983).

Appellant argues also that she fulfilled the instructions on the lease and certified as to items (a) through (e) on the application blank. None of her entries, however, helped identify the relationship between the "Our Turn Now Association and the signatory."

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<sup>2/</sup> Nor is her asserted meaning clear from her statement of reasons. Her statement could be read to imply that the "Our Turn Now Association" was originally meant to include her son.

[2] Those who deal with the Government are presumed to have knowledge of the law and 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 system 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.

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Will A. Irwin  
Administrative Judge

We concur:

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Douglas E. Henriques  
Administrative Judge

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C. Randall Grant, Jr.  
Administrative Judge

