

**Opinion No. 43-4294**

May 21, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Honorable H. R. Rodgers, Commissioner of Public Lands, Santa Fe, New Mexico.  
Attention: George A. Graham, Attorney

We have your request of May 12, 1943, for an interpretation of Rule 5 of the General Rules relating to oil and gas leases on State lands. This rule provides:

"Where simultaneous applications are filed for the same lands they may be disposed of in accordance with one of the following rules as the Commissioner may in each case require:

"(1) By stipulation of the applicants in writing.

"(2) By the submission of amended applications by applicants, in which case preference will be given to the applicant offering highest first year's rental or bonus.

"(3) By offering the land in conflict for lease through sealed bids or at auction."

The first question is, what is a simultaneous application for the same lands? In other words, the case arises where one application is for a large amount of land and another is for a certain amount of land and only a portion in either application is the same land. In such an instance the rule is only applicable to such portion of both applications as involved with identically the same land. The other portions of the application are not involved and, therefore, do not come under any of the provisions of Rule 5. However, for the identical land that is included in both applications Rule 5 applies and the matter would have to be determined according to the provisions of Rule 5 by one of the three alternatives provided for.

Hoping that the above fully answers your questions, I remain,

By HARRY L. BIGBEE,

Asst. Atty. General