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August 22, 2013

Beaverhead County Commissioners
2 South Pacific St, Ste #4
Dillon, MT 59725-4000

Dear Commissioners,

On June 10 your commission approved a request from Marilyn Benson of Headwaters Ranch LLC to name the stream that flows through Hoffman Gulch northeast of Dillon as Benson Creek.

Mrs. Benson submitted her proposal to the U.S. Board of Geographic Names (BGN), which must approve the request before any agency of the federal government may refer to the stream as Benson Creek. One of the factors the BGN will consider when deciding whether to approve the proposal is the State of Montana's recommendation on the matter, and I am responsible for providing that recommendation.

Title 85, Chapter 2, Section 131 of the Montana Code Annotated says that changes to watercourse names must be approved in district court. Mrs. Benson may have told you that the BGN does not believe Hoffman Gulch is a watercourse and the law therefore does not apply in this case. The Montana Water Rights Bureau, however, informed me that they believe Hoffman Gulch is the name of the watercourse and that the law does apply. I tend to agree with them, and would also point out that the law probably applies to giving a name to an unnamed stream, even if the issue of Hoffman Gulch were not in question.

Therefore I believe that the law requires me to recommend that the BGN deny the Benson Creek proposal. The BGN is under no obligation to follow my recommendation and they may decide to accept the proposal based on your endorsement of it. While there is no state law saying that state agencies must abide by the decisions of the BGN, as a matter of practice the BGN has the only authoritative list of names and state agencies might in the future begin to use the name if the BGN approves it.

I am sending you this letter as a courtesy to inform you why I believe the state cannot follow your lead in endorsing the proposal. If you are sufficiently concerned about the matter to try to persuade me to change my mind or to try to get a district court decision on the name, please let me know and I will delay my response to the BGN.

Sincerely,

Gerry Daumiller
State Names Advisor
Montana State Library