



PO Box 201800 - 1515 East 6th Avenue, Helena, MT 59620 (406) 444-3115

September 4, 2013

Mr. Lou Yost
Executive Secretary
Domestic Names Committee
United States Board on Geographic Names
523 National Center
Reston, VA 20192-0523

Dear Mr. Yost,

As Montana's State Geographic Names Advisor, I recommend that the Domestic Names Committee deny the proposal from Review List 414 to name a stream flowing through Hoffman Gulch in Beaverhead County, Montana as Benson Creek.

The Beaverhead County Commissioners approved the proposal on February 19, 2013 and approved a revision of the proposal on June 10, 2013. Excerpts from the commission minutes documenting these decisions are available at http://msl.mt.gov/geonames/comments/41401_Benson_Creek.zip.

I solicited opinions on the proposal from two state agencies with potential interest in the name. Montana Fish, Wildlife, and Parks have no fisheries records for this stream and they have no objection to the proposal. The Montana Water Rights Bureau opposes the proposal, citing the following language from Title 85, Chapter 2, Section 131 of the Montana Code Annotated:

All applications for the change of name of any watercourse or natural source of water supply, including natural streams, dry coulees, springs, lakes, rivers, or creeks which lie wholly within the limits of one county must be made to the district court of the county where the watercourse or other natural source of water supply, the name of which is proposed to be changed, or some part thereof is situated.

The Water Rights Bureau views Hoffman Gulch as the name of the watercourse, including the stream, and they view the proposal as a change to the watercourse name. The proponents have not asked the district court to change the name because they view Hoffman Gulch as the name of a topographic feature, not a watercourse.

Hoffman Gulch is listed as a water source in various water rights records and I believe that this and the inclusion of the term "dry coulees" in the law make the law apply to this name proposal. Even if it is conceded that the name of the stream is not Hoffman Gulch, it is still reasonable to argue that the law applies when an unnamed stream is given a name. I therefore agree with the Water Rights Bureau that state law requires me to recommend that the DNC deny the proposal.

Sincerely yours,

Gerald J Daumiller
Montana State Library