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

September 15, 2015

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

Dear Mr. Yost,

There is new information available that has caused me to reverse my previous recommendation to the Domestic Names Committee (DNC) regarding the proposal from Review List 414 to name a stream flowing through Hoffman Gulch in Beaverhead County, Montana as Benson Creek.

Please ask the DNC to re-consider their decision of April 30, 2014 to deny the proposal. I now recommend that the proposal be accepted.

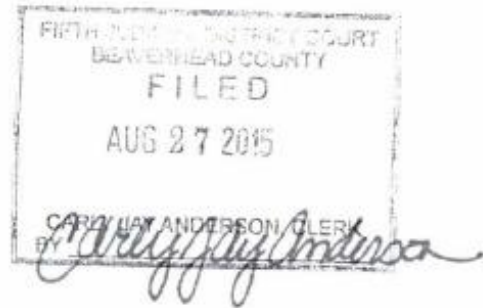
My previous opposition to the proposal was based on Title 85, Chapter 2, Section 131 of the Montana Code Annotated, which states that applications for the change of the name of any watercourse in Montana must be made to a county district court. At the time of the DNC decision, no such application had been made to any court.

Judge Loren Tucker of the 5<sup>th</sup> District Court in Dillon, Montana issued an order on August 27, 2015 to name the stream Benson Creek. Please see the attached image of the court order. My objection to the proposal to the Board on Geographic Names has therefore been removed and I feel that the law compels me to ask the DNC to re-consider their decision.

The only other state agency objection to the name was from the state Water Rights Bureau. I informed them of the court order and they have withdrawn their objection. Previously, the Beaverhead County commissioners had supported the proposal and Montana Fish, Wildlife, and Parks said they did not oppose the proposal.

Sincerely yours,

Gerald J Daumiller  
Montana State Library



**MONTANA FIFTH JUDICIAL DISTRICT COURT, BEAVERHEAD COUNTY**

RONALD A. BENSON and  
MARILYN M. BENSON,  
  
Applicants.

Cause No.: DV-15-13835

Judge: Loren Tucker

**ORDER GRANTING APPLICATION TO  
NAME AN UNNAMED WATERCOURSE**

Applicants Ronald A. Benson and Marilyn M. Benson, by and through their counsel of record, having filed an *Application to Name an Unnamed Watercourse*; a hearing on said Application having been held Thursday, August 27, 2015; no objection or opposition having been raised or presented at such hearing; and good cause appearing therefor;

IT IS HEREBY ORDERED that the Application to Name an Unnamed Watercourse is hereby GRANTED.

IT IS HEREBY FURTHER ORDERED that the watercourse as described and depicted in said Application is hereby named *Benson Creek*.

IT IS HEREBY FURTHER ORDERED that, pursuant to Section 85-2-134, Mont. Code Ann., the Clerk of Court is directed to file a certified copy of this Order with the Clerk and Recorder of Beaverhead County, Montana; and as set forth in Section 85-2-134 and pursuant

thereto shall make a return to the office of the Secretary of State of the naming of Benson Creek by this Court.

DATED this 27 day of August, 2015.

Loren Tucker  
Honorable Loren Tucker  
District Court Judge

cc: John "Jack" Connors



STATE OF MONTANA ] ss  
COUNTY OF BEAVERHEAD ]

I, Carly Jay Anderson, Clerk of the District Court of the Fifth Judicial District of the State of Montana. In and for the County of Beaverhead, do hereby certify that the above is a full, true and correct copy of the original as the same appears in files and records of this office.

WITNESS MY HAND and the seal of this court this 27<sup>th</sup> day of August, 2015.  
CARLY JAY ANDERSON, CLERK

Carly Jay Anderson