



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

February 17, 2016

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 believe state law ([MCA 85-2-131](#)) prohibits me from recommending that the Domestic Names Committee approve the proposal from Review List 419 to change the name of O'Hearn Creek in Sweet Grass County to Ahern Creek.

Here are the things I have found regarding the name, according to how they bear upon the proposal.

- Neutral findings
 - The Sweet Grass County commissioners did not provide any opinion on the proposal after several attempts to contact them.
 - The Montana Department of Environmental Quality is not opposed to the proposal.
 - The Montana Department of Fish, Wildlife, and Parks declined to comment on the proposal.
 - There were no responses to my request for public comment on the proposal.
- Findings in favor of the proposal
 - The proponent of the name represents the ranch that owns most of the land that the stream passes through. The ranch owners believe the mapped name is incorrect.
 - I solicited comments from the owners of surrounding properties. I received a reply from Chuck Rein, the owner of an adjacent ranch. He says that his family has always called the stream Ahern Creek. He believes the mapped name is wrong.

- The proponent provided a copy of a warranty deed registered in 1912 for a property near the stream. The deed says there is a water right associated with the property for water from Ahern Creek.
- The 1950 water resources survey ([part 1](#), page 34) lists "Ditch No. 4 from Ahern Creek" as a source of water in the American Fork basin.
- Findings in opposition to the proposal
 - The map in [part 2](#), page 7 of the 1950 water resources survey shows O'Hearn Creek and does not have an Ahern Creek.
 - The current water rights along the stream give the source as O'Hearn Creek, in accordance with the Water Court's rule that specifies USGS maps as the primary source of stream names.
 - The Montana Department of Natural Resources and Conservation's current policy is to oppose all changes to stream names that have not been approved in accordance with MCA 85-2-131.
 - Correcting the name could be construed as an act that violates MCA 85-2-131. I do not know if the enabling legislation for the Board on Geographic Names is written in a way such that the Supremacy Clause of the U.S. Constitution applies to this situation.

I am convinced by the local historic knowledge of the proponent and Mr. Rein and by the existence of Ahern Creek in old documents that the correct name of the stream is Ahern Creek.

I believe that MCA 85-2-131 requires me to oppose the proposal.

The comments I received regarding the proposal are available online at [this location](#).

Sincerley yours,

Gerald J Daumiller
Montana State Library