

## Ditch dispute tangled by years

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NICOLLET - Ditch laws can be arcane and complex, but this case has even veterans of ditch controversies scratching their heads.

It involves a ditch built through a marsh in 1909, a small dam built in 1950, and a 31-year-old permit that was never used. Now, a Swan Lake duck hunting group and the Department of Natural Resources want to resurrect the permit to reinstall the dam - at an even higher level than before - something some landowners say will flood their property.

Nicollet County Attorney Mike Riley says he couldn't find any precedent on whether a three-decade-old permit is still valid. He said the Nicollet County Board of Commissioners, which acts as the ditch authority, will likely ask the courts for direction.

The issue involves Little Lake and nearby Mud Lake, a few miles east of Nicollet. The small marshes are part of the group of renowned duck hunting lakes that include nearby Swan and Middle lakes.

About 1909, a ditch was dug from Mud Lake, north to Little Lake and out the other end of the lake. The ditch eventually empties into Seven Mile Creek and then the Minnesota River between Mankato and St. Peter.

A small dam was installed in about 1950 at the outlet of Little Lake on the ditch. The dam deteriorated over the years and in about 1970 a petition was filed by some landowners to clean out the ditch. The permit was granted by the county, apparently with a condition the dam be replaced - at about 7 inches higher than its previous level. For unknown reasons, the work was never done.