

**RCW 85.28.040 Viewers to be appointed—Duties.** Upon the filing of said petition the court shall appoint three viewers, two of whom shall be resident freeholders of said county, and not interested in the result of the proceeding, and the other the \*county surveyor of the county in which the lands are situated (unless said \*county surveyor shall be a party in interest, in which case some other competent surveyor shall be appointed in his or her place who shall receive the same compensation as is allowed by law to \*county surveyors) who shall, upon a day to be fixed by the court, in the order appointing them, view the lands of the petitioner and the lands which said proposed ditch or drain is to cross, for the purpose of determining: First, whether there is a necessity for the establishment of a ditch; and, second, the most practicable route for said ditch to run, if the same be necessary. The clerk of said court shall furnish to said viewers a certified copy of the order appointing them, which shall warrant them entering upon the lands described in the petition for the purpose of viewing the same. [2013 c 23 s 441; 1899 c 125 s 4; RRS s 4397. Prior: 1883 p 78 s 4; Code 1881 s 2504; 1877 p 314 s 2; 1875 p 93 s 3; 1863 p 485 s 1; 1858 p 31 s 1.]

**\*Reviser's note:** This section refers to the "county surveyor." 1907 c 160 s 1 designated the county surveyor as county engineer; 1925 ex.s. c 167 s 1 abolished the elective office of engineer, except in Class A and first-class counties, and the powers and duties were transferred to the county commissioners with power to employ an engineer; 1937 c 187 s 4 provided duties to vest in county commissioners who were directed to employ a county road engineer. See RCW 36.75.050 and chapter 36.80 RCW.