

1907 Utah Fishing Law

CHAPTER 118.

FISH AND GAME.

*An Act amending Sections 11, 14, 19, 23, 26 and 29 of Chapter 118, Laws of Utah, 1905, relating to fish and game.*

Be it enacted by the Legislature of the State of Utah:

Sections Amended. That Sections 11, 14, 19, 23, 26, and 29 of Chapter 118, Laws of Utah, 1905, be and the same is hereby amended to read as follows:

SECTION 1. State Fish and Game Commissioner. Term. Qualifications. Vacancy.

That the Governor of the State, by and with the consent of the Senate, shall appoint a State Fish and Game Commissioner, hereafter called State Commissioner, who shall be a resident citizen of the State, and who shall not be a member of any hunting, shooting or fishing club, whose term of office shall be two years and until his successor is appointed and qualified; Provided, that when a vacancy occurs in the office of said State Commissioner and the Legislature is not in session, the Governor shall have power to fill such vacancy until the next regular session of the Legislature, and he shall have power to remove the State Commissioner at any time for cause.

Sec. 2. Salary. Fund. Oath and Bond.

The State Commissioner shall receive an annual salary of one thousand two hundred dollars, together with his reasonable and necessary. traveling and contingent expenses. not exceeding \$300 per annum, to be paid out of the public treasury, in the same manner as other State Officers, Provided, that as soon, as sufficient funds are accumulated in the State Fish and Game Fund in the State Treasury the salary of State Fish and Game Commissioner, and all chiefs or other game Wardens, shall be paid out of said fund. He shall before entering upon the duties of his office, take and subscribe to the constitutional oath of office and give a bond in the penal sum of five thousand dollars for the faithful performance of his duty. Such bond shall be approved by the State Board of Examiners and filed with the Secretary of State.

Sec. 3. Powers and Duties.

The State Commissioner shall have control and supervision of the waters of the State, for the collection, propagation, culture and distribution of fish in the State, and shall receive and distribute all game, fish, fish fry and spawn coming into his hands fairly and equitably among the several counties. He shall have full control of all the property of the State obtained or held for the purposes contemplated by this act.

Sec. 4. Id. Report.

It shall be lawful for the State Fish and Game Commissioner or any person appointed by him in writing so to do, to take fish and game of any kind, dead or alive, or in any manner, under the direction of the County Fish and Game Warden, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes, deemed by him to be in the interests of the

fish and game industry of the State. He shall make a detailed report of his official transactions, including the number and kinds of fish distributed and the locality and name of streams, ponds or lakes where the same have been placed, and submit such report to the Legislature during the first week of its ensuing regular session.

#### Sec. 5. Chief. Deputies Bonds Compensation.

After this act shall take effect, the State Fish and Game Commissioner shall appoint by, and with the approval of the County Commissioners one Chief State Fish and Game Warden in each county of this State who shall be a resident citizen of the county in which he resides. He shall not be a member of any hunting, shooting or fishing club, whose term of office shall be two years and until his successor shall be appointed and qualified. The said Commissioners shall require of each Warden the giving of a bond in a sum not exceeding \$1,000.00 for the faithful discharge of his duties and a prompt accounting for time payment of any moneys coming into his hands by virtue of his office. Such bonds shall run to the people of the State of Utah with surety to be approved by the Commissioners, Provided that the Governor by and with the consent of the State Fish and Game Commissioner shall fix the salary of the fish and game Wardens, and provided that no Warden shall receive a salary to exceed \$600.00.

#### Sec. 6. Duties of Commissioner and Warden.

It shall be the duty of the State Commissioner, and also the duty of the Chief Fish and Game Warden to see that all laws of the State for the protection of fish and game are faithfully enforced in the several counties, and for this purpose they respectively are severally hereby given the same powers and authority granted by the laws of the State to and exercised by sheriffs and constables. The State Commissioner, each of his special deputies and every Chief Warden throughout the State, and every sheriff and constable in his respective county, is authorized and required to enforce this act, and seize any game or fish taken or held in violation of this act, and he shall have full power and authority, and it shall be the duty of every such officer, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof; and if, without a warrant, to hold him until a warrant can be procured; to open, enter and examine all cars, stages, packs, warehouses, stores, outhouses, boxes, barrels and packages where he has reason to believe any game or fish taken or held in violation of this act, is to be found, and to seize the same; and, provided, that if such search or seizure be made without a warrant, the officer making the same must procure a warrant therefor as soon as possible during or after the search or seizure; and provided further, that a dwelling house actually occupied can be entered for examination only in the pursuance of a warrant. It shall be the duty of the Chief Game Wardens to report their official acts in detail to the State, Commissioner annually during and not later than the first week in December, and oftener if so required by the State Commissioner.

#### Sec. 7. Duties of Chief Warden.

It shall be the duty of the Chief Warden to take or cause to be taken in the best practicable manner any imported fish mountain trout, bass or herring, found in pools or other places in which receding waters of the rivers, streams, canals or other waterways have left them, which are likely to become dry, and to carefully put the live fish thus taken. into State water, and to make the best disposition of the dead fish in the interest of the State Fish and Game Fund. All persons, corporations and companies owning or controlling irrigating canals, ditches or mill races for

irrigation, operating mills or power plants of any kind, before draining any such canal, ditch or mill race for any known purposes, shall give the Chief Warden at least five days notice of such draining, and a failure to do so will be a misdemeanor.

#### Sec. 8. Fishways. Sawdust in Streams.

The owners of any dam not exceeding twenty-five feet in height, across any of the streams of this State shall, if required by the Chief Fish and Game Warden and under his direction, erect and maintain at all times and at the expense of said owner or owners, suitable fishways to allow the free and uninterrupted passage of fish up and down the streams, provided that this provision shall not apply to reservoir dams when the water is held back for irrigation purposes. It shall be unlawful and a misdemeanor for any person or persons, corporations or companies to build or maintain any dam that will be the means of killing or destroying the fish passing up or down any stream. And it shall be unlawful and a misdemeanor for any person or persons, corporation's or companies owning any mill in this State, to cause or permit. any sawdust or other refuse matter from said saw-mills to be washed, dumped or placed in any of the streams or waters of this State, or to place such sawdust or refuse matter in such close proximity to any stream that same might be washed into said stream by rains; provided, that nothing in this act shall be so construed as to interfere with acquired rights to use water in this State.

#### Sec. 9. Screens.

It shall be unlawful for any person or persons to operate any mill, factory, power plant or other manufacturing concern run by water power and having either head or tail races, without first furnishing and maintaining suitable screens or other device to prevent the fish from entering therein; said screens to be built and maintained under the direction of the Chief Warden and at the expense of said owner or owners or operators of said mill, factory, power plant or other manufacturing concerns; provided, that the woolen factory race at Provo, Utah County, this State, through which fish reach Spring Lake, be made an exception to these obligations; and, provided further, that the owner or owners or operators of said woolen factory or other factories or mills situated upon said race, furnish and maintain at all times and at their own expense, suitable screens to prevent fish from entering the water wheels and water pipes of said factories or mills; said screens to be built and maintained under direction of the County Warden.

#### Sec. 10. Taking Fish. When and How Lawful.

It shall be unlawful and a misdemeanor for any person to fish for or take any fish from any of the waters of this State, except the Colorado, Green, Grand and San Juan Rivers by any means or device whatever, except by means of hook and line, commonly known as angling, and in that way, only between the 14th day of June of each year and the first day of April following. Provided, that only in Utah Lake and Provo River below the Oregon Short Line Railway bridge at Provo, and in the Bear River below the county bridge at Bear River City, and in the Jordan River, carp, suckers, chubs, bullheads, catfish, mullet and mountain herring, may be caught with hook and line commonly known as angling, at any time; and Provided further, that it shall be unlawful and a misdemeanor to take any fish whatever from the waters of Fish Lake or its tributaries, or from Seven Mile Creek below Fish Lake at any time in the year except Only between the 20th day of July and the 15th day of December following; and Provided further, that it shall be 'unlawful and a misdemeanor for any person to fish for, or take any fish at any time or by any device whatever, from between the crest of the dam of the Hercules Power Co., in Logan

River, and the Logan City Power House on the bank of said Logan River, and also between the crest of the dam of Logan City in Logan River and the mouth of Spring Creek where it empties into Logan River; and Provided further, that it shall be unlawful and a misdemeanor for any person to take or have in possession at any time of any year any trout, black bass, or Mountain herring, less than seven inches long; and Provided further, that the word "angling" as used in this act, is defined to be fishing with a fishing rod or pole held in the hand or hands, the rod or pole to have only one line attached thereto, and the line to have attached thereto artificial fly hooks not exceeding two in number, or one baited fish hook with no more than one gang of no more than three hooks, or one trolling spoon with no more than one gang of no more than three hooks.

#### Sec. 11. Bass and Trout.

It shall be unlawful for any person to sell, kill, destroy or have in his possession any bass whatever between the first day of April and the first day of July following; and it shall be unlawful for any person to sell, kill, destroy or have in his possession any trout whatever at any time after the first day of April and before the 15th day of June following.

Sec. 12. Unlawful to Sell Trout. Limit of Catch. Private Ponds. It shall be unlawful and a misdemeanor for any person to sell or offer or expose for sale to dealers at any time any eastern brook trout, rainbow trout, grayling trout, native black-spotted or mountain trout, or any" other species of trout or landlocked salmon, taken from any of the streams of waters of this or any other State, provided that persons catching fish under this section may sell to private parties for their own use and in prosecutions hereunder it shall be sufficient to allege generally that such fish were unlawfully held, and proof of the sale to dealers or of the offering or exposing for sale of any. such varieties or species of fish, shall be prima facie evidence that they were unlawfully held. It shall be a. misdemeanor for any person to take, catch or have in possession more. than fifteen pounds of any one or more' of said varieties or species of fish on any one day, for domestic use or any other purpose; and in prosecutions hereunder it shall be sufficient to allege generally, that such fish were unlawfully held and proof of the taking or catching or having in possession on any one day of more than fifteen pounds of any one or more of such varieties or species of fish, shall be prima facie evidence that such fish were unlawfully held; provided, that between the first day of July and the first day of April following of each' year it shall be lawful to take, only with hook and line, commonly known as angling, and between the same dates, to sell any number of pounds per day, of black bass from Utah, Bear and Sevier Lakes only. It is further provided that any kind of trout propagated and raised in private ponds situated in this State, may be sold or exposed for sale at any time, but in prosecutions for the violation of any of the matters or things hereinbefore prohibited or declared unlawful in this section, it shall not be necessary for the State to negative either in the complaint or on the trial this proviso. It is further provided, that the owner or owners of said private fish ponds, as well as all venders of such fish shall, before selling any fish from said ponds, procure from the county Clerk a separate license to sell said fish from said private ponds, which license shall be non-assignable, and the pond owner or owners shall make out and sign a certificate of sale or transfer in duplicate for each consignment of such fish sold from such private ponds, and shall deliver said' certificates in duplicate at the time of sale, as follows to wit: One duplicate thereof to the buyer, who, must produce it for inspection upon any request; and the other duplicate to the Chief Fish and Game Warden for his use as a means of identification. Each certificate and the duplicate must contain the name of the vendee or transferee, the character and weight of fish sold, and the date, of transfer. Any person failing

to comply with or who violates any of the provisions of this section shall be guilty of a misdemeanor.

#### Sec. 13. Use of Explosives or Drugs.

It shall be unlawful for any person to kill or take any fish from the waters of the State by the use of any poison, deleterious or stupefying drug, giant powder, or quicklime, or any explosive substance whatever, or to place or to use in or on the surface of such waters, any giant powder, quicklime, or any explosive substance, or any poison, deleterious or stupefying drug, or to have in his possession any fish killed or taken by the use or aid of any of these substances. Any person found guilty of violating any of the provisions of this section shall be fined in any sum not less than one hundred dollars for each offense, or imprisonment in the county jail not less than ninety nor more than one hundred and twenty days, or by both such fine and imprisonment.

#### Sec. 14. Use of Seines, Traps. Etc. Fishing by Artificial Light Licenses. Disposition of License Fees.

It shall be unlawful for any person to take any fish from the waters of this State by the erection of any weir, dam, fence, wheel, basket, trap, net, seine, setline, seive, gun, grabbling hooks, or by fishing by fire or lamp light at night, or by any other device whatsoever which can be used for the unlawful catching of fish, provided that for the purpose of catching carp, chubs, mullets, bullheads, catfish, or suckers, and these fish only, seines, not more than two hundred yards long and twelve feet wide with meshes not less than one and one-half inches square for fifty yards in center and meshes not less than two inches square in the wings thereof may be used in the following named waters only: Bear and Sevier Lakes, the Colorado, Green, Grand and in Sevier River below the bridge on the State Road leading from Richfield to Glenwood, from May first to October first of each and every year, both days inclusive, and in San Juan River, in the Weber River below its junction with the Ogden River, in the Bear River below the bridge at Bear River City, and in Utah Lake from September first to March 31st, following, both days inclusive, and in Bear Lake only from May 15th to July 15th, provided, that in Bear Lake only Gill Nets, not over 200 yards long and 8 feet deep, 2 1/4 inch mesh may be used from July 15th to April 15th, provided further that suckers may be taken by grabbling hooks in Provo River, and Spanish Fork River only, and that only between the San Pedro, Los Angeles and Salt Lake Railway crossing and Utah Lake, and in Weber River in Morgan and Weber Counties, and provided further that before any person shall use seines in the waters of the Bear, Utah and Sevier Lakes above mentioned, and in the Weber River below its junction with the Ogden River, and in the Bear River below the bridge at Bear River City, such persons shall secure the presence of either the Chief Warden or his deputy, who shall be paid not to exceed two dollars per day by the party drawing the seine, and each of such persons shall before commencing such seining apply to and procure from the State Commissioner, Chief Warden, or any person hereafter authorized to issue said game license of the county in which such seining is to be carried on a license therefor, which license shall be issued upon the payment of five dollars, and shall cover the season for which it is applied for during which seining may be lawfully carried on, provided, that each seine used in any waters in this State shall have a seal lock or any other contrivance placed thereon while not in use by said Commissioner or any of his Wardens thus authorized. The State issuing such license may revoke the same upon proof that the person to whom it has been issued has been by a court of competent jurisdiction convicted of a violation of any of the provisions of this chapter, provided that all persons seining shall pay a royalty of one fourth of one cent on each

pound caught by said seines, and provided further that it shall be unlawful for any person or persons to hunt or fish for any kind of game under this act until license is first procured as provided herein and upon request of the State Commissioner or his deputy such license must be produced for inspection. Any bona fide male citizen or resident of the State of Utah over the age of fourteen years, upon the payment of one dollar to any justice of the peace of the county in which he resides or the State Commissioner or any deputy Warden, or any other person that may be authorized, shall be entitled to receive from the officer to whom such payment is made, a hunting, and fishing license which shall permit such persons to pursue, hunt and kill any of the game animals or birds mentioned in this act during the time when it shall be lawful to kill the same, in any of the counties of this State, subject to the limitations as to the number of each kind of animals or birds provided, and to catch fish with hook and line according to the provisions of this act. Such license shall state the name and place of residence of the person holding the same, and shall not be transferred to any other person. Any person who is a non-resident of the State of Utah or who is not a citizen of the United States, shall upon payment to any justice of the peace of this State, or the State Commissioner or any deputy Warden; the sum of Ten Dollars, be entitled to receive from the officer to whom such payment is made a non-resident license, which license, shall permit such person to pursue hunt or kill such number of each kind of animals, birds or fish as provided in this act during the time in each current year when it shall be lawful to kill such animals, birds and fish. Such license shall state the name and place of residence of the holder thereof and shall not be transferred to any other person. Such license shall be substantially in the following form, to-wit:

License No.....The holder, thereof ..... , whose residence is ..... county of ..... State of

..... ,is hereby permitted to pursue, hunt and fish within the State of Utah, subject to the limitations and restrictions of the game laws of the State of Utah, Receipt of \$ ..... for this license is hereby acknowledged. The holder thereof is ..... years of age, is ..... feet ..... inches tall, weighs ..... pounds, is ..... complexion, and has ..... hair ..... eyes. Dated at ..... this ..... day of ..... , 190..

Officer's Signature.

Address .....

Such license shall be printed as directed by the State Auditor, with two stubs, which stubs shall contain the name and residence of the person to whom issued, the number and date and the amount paid therefor, one stub to be retained by the justice of the peace or deputy Warden, or authorized persons issuing the license, and one stub, with any mutilated licenses with all money received from such licenses, shall be remitted to the State Treasurer on the first day of each month, and in case no licenses have been sold, such officer or authorized person must report in writing to the State Commissioner that no licenses have been sold by him. Justices of the peace and any persons authorized to sell licenses shall retain ten per cent of all moneys collected as their fees, provided, that game Wardens under salary shall remit full amount collected by them. Such licenses shall have printed on the back a short synopsis of this act; Provided, that all female persons residents of the State of Utah, may take game and fish under the provisions of this act without procuring a license as provided by this act. All licenses issued under the provisions of this act shall expire on The 31st day of January next following the date of their issue. Any person found hunting or fishing without a license as provided in this section shall be guilty of a

misdemeanor and fined not less than ten dollars. It is hereby made the duty of the State Auditor, immediately after the passage of this act, to prepare and cause to be printed suitable forms of licenses, as provided in this act, and to deliver to the State Commissioner such number of blank licenses as may be required from time to time for use in the State, taking receipt therefor, and the State Commissioner shall send by registered mail or deliver in person, taking receipt therefor, to each game Warden of the State, such licenses as he may deem necessary, and to send by registered mail or deliver in person, taking receipt therefor, to the various justices of the peace in his jurisdiction such licenses as he may deem necessary, and it shall be the duty of each game Warden and justices of the peace to issue such licenses as applied for. And the State Commissioner shall supervise the selling of licenses throughout the State. Each justice of the peace authorized under this act to issue fishing and hunting licenses shall make a report to the State Commissioner from whom he receives his blank licenses, stating the number of resident licenses sold at one dollar; number of, non-resident licenses sold at ten dollars; and shall deposit with the State Treasurer all moneys from the sale of licenses, fines, or other moneys belonging to the fish and game fund, on the first day of each month, and each game Warden shall make a report to the State Commissioner, stating the number of resident licenses received from the State Commissioner at one dollar; number of non-resident licenses received at ten dollars, and the number of each, together with all the mutilated licenses and shall deposit with the State Treasurer all moneys received belonging to the fish and game fund. Such report and deposits shall be made on the first day of each month; and on the 15th day of each month the State Commissioner shall make a report to the State Auditor showing the number of license blanks received from the State Auditor by the State Commissioner number issued by different officers authorized to issue the same, and shall deposit with the State Treasurer all moneys received by him, belonging to the fish and game fund. Any officer who shall refuse or neglect to turn over any moneys collected for licenses issued as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be immediately removed from office and be liable to criminal prosecution.

Sec. 15. Seining in Spring Creek Lake Forbidden.

It shall be unlawful to use seines in Spring Creek Lake which runs into Utah Lake, or within one-half mile from the mouth of any stream flowing into Utah Lake or the mouth of Spring Creek channels which lead into said lake, or within one-half mile from the mouth of any stream, or body of water connecting two other bodies of water, in this State.

Sec. 16. Device in Irrigation Canals.

It is hereby in and the duty of the Chief Warden of each county, to see that all irrigation canals when deemed necessary in his judgment are properly protected by some device which will not be the means of obstructing the flow of water into such canals, so that no fish may enter said ditches between June 1st and September 15th of each year; said device to be provided and maintained out of the fish and game fund.

Sec. 17. Screens at Head of Reservoirs.

It shall be the duty of the owners or operators of any reservoir to furnish and maintain at all times a suitable screen at the head of their reservoirs, such as will effectually prevent fish from any waters of the State from passing into the reservoirs, the same to be maintained under the direction and approval of the County Warden and County Commissioners.

Sec. 18. Seizure.

All seines, nets, tackle, powder, explosives, lime, poisons, drugs and other means or devices for unlawfully taking or killing fish of any kind, found in the possession of any person who may be detected in unlawfully taking fish from any of the waters of the State, shall be seized by the officer making the arrest, and if it appears from the evidence before the magistrate trying the case that the seines, nets, powder, explosives, lime, poisons, drugs and other means and devices for taking or killing fish were used, or were about to be used, or intended to be used for the unlawful taking of fish, the same are hereby confiscated and shall be, by order of the magistrate, taken and disposed of in the interest of the county treasury.

Sec. 19. Removed not applicable. Unlawful to Kill Deer, Elk, Etc. Penalty.

Sec. 20. Removed not applicable. Use of Dogs in Hunting.

Sec. 21. Removed not applicable. Prairie Chickens, Grouse, Etc.

Sec. 22. Removed not applicable. Insectivorous and Song Birds.

Sec. 23. Removed not applicable. Wild Ducks and Geese.

Sec. 24. Removed not applicable. Gauge of Guns.

Sec. 25. Unlawful Possession of Fish or Game. Any person who, shall have in his possession any game, fish or birds taken unlawfully is guilty of a misdemeanor. All fish or game taken or held unlawfully or shipped or consigned for shipment out of this State shall be seized by the State or any Fish and Game Warden. and disposed of to the best, interest of State Fish and Game fund in which said seizure may be made. The possession of any animal, fish or bird, or of the remains or any part of the remains thereof, within the time or period within which the taking or killing or possession of the same is prohibited, shall be prima facie evidence of such unlawful taking or killing or possession, provided it shall be lawful at any time of the year to take any wild birds or the eggs of any wild birds mentioned in this act for scientific purposes under the supervision and authority of the State Fish and Game Commissioner; and it shall be unlawful to kill, catch or otherwise take or destroy, and leave to waste, or in any manner to cause or suffer to be wasted, any bird, animal or fish in this act mentioned, or. any useful part or parts thereof.

Sec. 26. Removed not applicable. Pheasants and Quail.

Sec. 27. Penalties. Except as otherwise provided in this act, all persons who shall violate or fail to comply with any of the enactments or provisions of this act shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars for each offense, and all fines and forfeitures collected under the provisions of this act shall be paid into the county treasury of the respective counties.

Sec. 28. Reservation of Waters for, Propagating Fish.

For the better advancement of the fish interests of the State, the State Commissioner and the Chief Fish and Game Warden. may select and reserve one stream, lake or pond in each county for the purpose. of planting, breeding and propagating fish. Such reservation may continue for a period of not longer than four consecutive years; and it shall be a misdemeanor for any person to fish in any stream, lake or pond, while so reserved. When any stream, lake or pond is selected for any such purposes, the Chief Warden shall forthwith post or cause to be posted and maintained conspicuous notices thereof along the banks or shores of such stream, lake or pond, at points



over one mile apart; and the Chief Warden shall also cause notice thereof to be published in the newspaper issued and published nearest to such lake, stream or pond, for two weeks prior to the closing of such stream, lake or pond to public fishing.

Sec. 29. Shipping Fish or Game Out of State, Unlawful.

It shall be unlawful for any person or persons at any time to ship or cause to be shipped, carried or transported, birds or fish, or any part or parts thereof, dead or alive, mentioned in this Chapter, provided that carp, suckers, mullet and chubs may be shipped after being first inspected by a Fish and Game Warden or his deputy where such fish are taken, and such fish and game, Warden or his deputy shall attach to each parcel or package of such shipment a statement that the same has been inspected, and giving the kind of fish and the weight thereof, which statement must be signed by the Fish and Game Warden, or his deputy making such inspection.

Sec. 30. Repeal.

That Title 21, Revised Statutes of Utah, 1898; Chapter 26, Laws of Utah, 1899; Chapter 133, Laws of Utah, 1901, and Chapter 116, Laws of Utah, 1903, and Chapter 118, Laws of Utah, 1905, are hereby repealed.

Sec. 31. This Act shall take effect upon approval.

Approved this 23rd day of March, 1907.

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