

1925 Utah Fishing Law

FISH AND GAME.

An Act to amend Sections 4, 7, 14, 17, 18, 23, 24, 28, 30, Chapter 36, Session Laws, 1923, and adding Sections 46 and 47, relating to fish and game.

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

SECTION 1. Sections amended. That Sections 4, 7, 14, 17, 18, 23, 24, 28 and 30, Chapter 36, Session Laws, 1923, are hereby amended to read as follows:

Sec. 4. Fish and game fund created-expenditure.

A fish and game fund is hereby created and all moneys collected from the sale of licenses issued under this Act, and the net moneys collected from fines and forfeitures for violations of the fish and game laws shall be paid to the State fish and game commissioner; all moneys paid into the game fund in this section provided for shall be covered into the State treasury and shall constitute a State fish and game fund, which shall be drawn upon for the payment of salaries and expenses of the State fish and game department, by and with the consent of the board of examiners. Provided, that the State fish and game commissioner by and with the consent of the State board of examiners is hereby authorized to expend any moneys which may be standing to the credit of the fish and game fund for the construction and maintenance of fish hatcheries, ponds, and dams at suitable and convenient places throughout the State for the proper distribution of fish to all counties of the State; to provide game farms for the propagation of game birds and animals and to do such other work as in their judgment may pertain to the protection and propagation of fish and game.

Sec. 7. Licenses-hunt or fish, etc.-limitation-trappers-nonresidents-fees-exceptions.

It shall be unlawful for any person to, at any time, fish for any variety of fish, or shoot at, kill or trap for, or take in any manner any game animals or game birds of any kind, or any marten, mink, muskrat, beaver, otter without first procuring and having on his or her person a license as herein provided. The license year shall begin January 1st and end December 31st of each year. Every act of pursuing, hunting or killing any of the game animals or birds of this State without a license shall be considered a distinct and separate offense.

1. Fish, hunt, trap-non-resident-fees-penalty.

Any male person, who is a citizen of the United States and a resident of the State of Utah, who is sixteen years of age and over, upon making application to any license agent hereinafter provided for, and upon the payment of two dollars may receive a license to hunt for game birds and game animals, except elk, marten, mink, mountain sheep, muskrat, beaver, otter, and angle for fish within the State of Utah.

Any male person who is a citizen of the United States and a resident of the State of Utah, who is more than twelve and under sixteen years of age, and all female persons who are citizens of the United States and who reside in the State of Utah, who are sixteen years of age and over upon

making application to any license agent and upon the payment of one dollar, may receive a license to hunt for game birds and game animals, except, elk, mountain sheep, marten, mink, muskrat, beaver, or otter, and angle for fish within the State of Utah. Provided that no person under the age of sixteen years shall be allowed to pursue, hunt or kill deer.

Any person who is a citizen of the United States and a resident of the State of Utah, over sixteen years of age, upon making application to any license agent, and upon the payment of five dollars, may receive a license to hunt and trap for marten or sable, mink, raccoon and muskrat.

Any person who is a citizen of the United States but who is not a resident of the State of Utah, upon making application to any license agent, and upon the payment of three dollars, may receive a license to angle for any kind of fish.

Any person who is a citizen of the United States but who is not a resident of the State of Utah, upon making application to any license agent, and upon the payment of five dollars, may receive a license to angle for any kind of fish and hunt for any kind of game animals or game birds except deer, elk, mountain sheep, marten, mink, muskrat, beaver or otter.

Any person who is a citizen of the United States but who is not a resident of the State of Utah, upon making application to any license agent, and upon the payment of ten dollars, may receive a license to hunt for bear and deer.

Provided that each and all of the licenses herein specified permit the holder thereof to angle for fish and hunt for and kill game birds and game and fur-bearing animals only during such open season and under such conditions as are hereinafter specified in this Act. Provided further that male persons not more than twelve years of age and female persons not more than sixteen years of age, who are citizens of the United States and residents of the State of Utah, may angle for fish in accordance with the provisions of this Act, without first procuring a license.

Provided, further, that each and every license specified in this Act shall be non-transferable and shall permit the person only in whose name said license is issued to hunt or angle in accordance with same, and it shall be unlawful for any person to whom a license has been issued to permit another person to carry same for the purpose of hunting or angling. Provided, further, that any license holder, when encountered by the State fish and game commissioner, or any of his deputies, shall, upon request of said officer, immediately produce said license for examination. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$25.00.

2. Seining-bond-fee-penalty.

No person shall seine for fish in the waters of this State without first applying for and securing a license and furnishing bond as herein provided. The State commissioner may issue a license upon application made in accordance with the requirements of this Act and the rules and regulations prescribed by him, the payment of a fee of \$25.00 and the filing with the State commissioner of a bond with two sufficient sureties in the penal sum of \$500.00, payable to the State of Utah, to seine for carp, suckers, mullets, and chubs in Utah lake; upon the payment of a fee of \$5.00 and the filing with the State commissioner of a bond with two sufficient sureties in

the penal sum of \$500.00, payable to the State of Utah, to seine in such other waters as may be designated by this Act. Said bond shall be conditioned that no fish protected by the laws of this State from seining will be retained, that diligence will be used by the holder thereof to prevent the death of any of said fish and that said licensee shall keep, obey, and perform all of the terms, conditions and requirements of this Act, and if said licensee shall fail to keep, perform, or obey any of the requirements of this Act, the makers of said bond shall be liable to pay the sum of \$50.00 as liquidated damages and full costs of suit for each and every violation of this Act. The State commissioner shall furnish a blank for said bond. When a bond is prepared it shall be delivered to the State commissioner or to a deputy or a county clerk, who shall forward it at once to the State commissioner. Upon approval by the State commissioner, he shall file the same in his office and issue a license to the person giving such bond. Any person who shall seine for fish or catch fish with a seine without first applying for and securing a license as herein required, or who shall take game fish by means of seines or shall otherwise violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00, and all seines, boats and fishing equipment used in violation of this Act shall be confiscated for the benefit of the fish and game fund, and license to do business as seiner in any of the public waters of the State shall be cancelled and withheld in the discretion of the State fish and game commissioner.

4. License for private ponds-protection-permit to sell and ship-penalty.

No person shall sell or offer for sale fish taken from private ponds without first securing a license to sell such fish as herein required. Such license shall be procured by making application in writing to the State commissioner. Such application shall contain the number and location of the pond or ponds from which the fish are to be taken; the kind of fish to be sold, offered for sale, or shipped, and if to be shipped, the railroad station to which the said fish are to be delivered for shipping, and shall be accompanied with a fee of \$1.00. Upon receipt of such application and fee provided, it shall be the duty of the State commissioner by investigation to ascertain whether or not the pond or ponds described in the application are private ponds, and if the fish which the applicant seeks to sell were in fact propagated and grown in said pond or ponds. And if it be found that the said pond or ponds are private and that the said fish so propagated and grown, it shall be the duty of the State commissioner to issue a license permitting the applicant to sell said fish. Such license shall be issued in triplicate and contain the following statements of fact:

- (a) The date when issued.
- (b) The person to whom issued.
- (c) The number and location of the pond or ponds from which the fish are to be taken.
- (d) The station from which the shipments are to be made, if to be shipped.
- (e) The place at which the fish are to be sold if not shipped.

Said license shall authorize the sale of fish from private ponds under rules and regulations prescribed by the State commissioner from date of issuance to, and including the 31st day of the succeeding December. One copy of the said license shall be retained in the office of the State commissioner, one shall be delivered by the licensee to the railroad or express company accepting fish from said pond or ponds for shipment. Any person selling, offering for sale, or exposing for sale, or shipping fish taken from private ponds, without first securing and being in possession of the license herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00.

Sec. 14. Angling season-limits-illegal devices-waters excepted-night fishing prohibited-limit of catch-use of spears, etc.-penalty.

It shall be unlawful for any person or persons to take, catch or kill, or attempt to take, catch or kill any fish of any kind in any of the public waters of this State with any kind of a spear, grab hook, snag hook, or by the use of jack light or other artificial light of any kind or by the use of set line or night line or any kind of net or seine or any kind of fire-arms or any explosive substance or combination of explosives which have a tendency to kill or stupefy fish or by electricity or electrical device or any other kind of device of whatsoever name and description, except as hereinafter provided.

It shall be unlawful for any person holding a license as herein provided to angle for common fish at any time of the year in any of the waters of this State in which seining is permitted by virtue of this Act and in addition thereto, all of the waters of the Jordan river, Utah lake, Sevier river between the mouth of Clear Creek canyon in Sevier county, to and including the Otter Creek reservoir in Piute county; in the Logan river below the railroad bridge and in the Beaver river below and including Minorsville reservoir.

Provided further that it shall be unlawful for any person holding a license as herein provided to angle for game fish with not more than two hooks and one line in all of the waters of the State between the 15th day of June and the 30th day of November following, both dates included, except such waters as have been closed by virtue of this Act, or those which have been or shall be closed by the State fish and game commissioner under authority given him in this Act.

Provided further that it shall be unlawful to angle for fish in Strawberry reservoir, in Wasatch county, or in any of its tributaries, except that in the Strawberry reservoir, Strawberry river up to the Victory Highway bridge, and in Indian creek above the diversion works it shall be lawful to angle for fish between July 1st and October 20th following. And in Fish lake, Sevier county, it shall be lawful to angle for fish only between June 15th and October 20th following.

Provided that it shall be unlawful for any person to fish or take game fish from any of the waters of this State at any time between the hours of nine o'clock p. m. and four o'clock a. m. or to have in his possession at any time any black bass less than seven inches in length or any species of trout, salmon, or mountain herring less than seven inches in length. Provided further that it shall be lawful for any person duly licensed and subject to regulations herein described, to catch not more than ten pounds of game fish in any one day, or, if after catching in weight less than ten pounds, a fish weighing more than the required weight to make ten pounds shall be caught, the person catching such fish shall be entitled to possession of same. This shall constitute one day's legal limit of catch and it shall be unlawful to have in possession at any one time, more than twenty-five pounds of any or all varieties or species of game fish. The word "game fish" as used in this Act shall mean all species of trout, salmon, mountain herring or white fish, or black bass. The word "angling" as used in this Act is defined as fishing with a rod or pole held in the hand or hands. Such rod or pole to have fastened thereto a line, and attached to said line, not more than two artificial fly or bait hooks or one trolling lure with not more than two gangs of not more than three hooks. Provided further that it shall be lawful to use, for the purpose of trolling in Fish lake, Bear lake, Strawberry reservoir, Panguitch lake and Puffer's lake, a single line held in the hand or hands with no rod or pole attached thereto.

Provided further that it shall be lawful to angle for catfish in any of the waters of this State where seining is permitted, at any season of the year. Provided, that it shall be unlawful for any person to catch or take more than one hundred catfish in any one day, or to have in possession more than one hundred catfish at any one time. Provided, further, that it shall be unlawful to sell or offer for sale any catfish taken from any of the public waters of this State during the months of April and May.

It is hereby further provided that it shall be lawful to take or kill carp by the use of spears in any of the waters in which seining is permitted by this Act. Provided further that suckers may be taken by grappling hooks between April 1st and May 20th following, both dates included, only in Provo river between Utah lake and the State road bridge northwest of Provo; in Spanish Fork river between the San Pedro, Los Angeles and Salt Lake railroad bridge across said river and Utah lake; and in Hobble creek, between Main street, Springville city, and Utah lake.

Provided, further, that after July 15, 1925, it shall be unlawful to use as bait or have in possession or cause to be deposited in any of the waters of the State known to contain game fish, any fish eggs, fish spawn, or imitation thereof. Provided, further, that after July 15, 1925, it shall be unlawful for any person, corporation, or company to sell or offer for sale any salmon eggs or other fish eggs, or imitation thereof. Provided further that it shall be unlawful to fish from the back of a horse or to travel up or down any stream on horseback while fishing for game fish.

Provided further that the possession of any spear, grappling hook, snag hook, or any spoon hook or spinner having exceptionally large hooks as compared with the spoon thereof which could be used as snag or grappling hooks, or any other device which clearly indicates the intent of the possessor to take game fish in any manner except angling shall be deemed as prima facie evidence of the intent to take game fish illegally. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars and shall forfeit his license for the remainder of the year.

Sec. 17. Transportation of fish and game.

It shall be unlawful for any person or persons at any time to ship or cause to be shipped, carried, or transported out of the State of Utah any fish, game or game birds, or any part or parts thereof, dead or alive, except as is provided in this Act. Provided that carp, suckers, mullets, and chubs may be shipped after having been first inspected by the State commissioner or one of his deputies.

Provided further that it shall be unlawful for any person, company or corporation to ship or cause to be shipped out of the State any game fish, game or game birds without having attached thereto a permit issued by the State fish and game commissioner. Any person, company or corporation violating any provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25.00.

Sec. 18. Use of seines and spears-penalty.

Carp, chubs, mullets or suckers may be caught with seines by persons duly licensed in accordance with the provisions of this Act and under regulations prescribed by the State commissioner; provided, that seines shall not be more than four hundred yards in length and

twelve feet in width with meshes not less than one and one-half inches square for fifty yards in the center and with meshes not less than two inches square in the wings thereof, in the following named waters, no other to wit: Bear lake, Sevier river from Sevier lake to the State road bridge at Salina, including reservoirs, in Sanpete county, the Colorado, Green, Grand, and San Juan rivers, the Gunnison reservoir, Sanpitch river, Redmond lake, the Otter Creek reservoir; Price river from Spring Glen to Green river, Carbon county; San Rafael from Orangeville to Green river, Emery county; Weber river below the junction with Ogden river; Bear river below the Idaho line, and in Utah lake, but not including Spring Creek lake or within one-half mile of the mouth of any stream flowing into Utah lake. Provided, that in Utah lake it shall be unlawful to use seines from May 1st to October 1st, or at any time without the presence of a deputy, who shall be paid for his services by the person holding a license, and such deputy shall give a bond of two hundred and fifty dollars for the faithful performance of his duties, payable to the: State of Utah, to be filed with the State commissioner. Any person who shall take game fish by means of seines, or shall otherwise violate any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars; and boats, seines, and other fishing equipment used in violation of this Act shall be confiscated for the benefit of the fish and game fund, and license to do business as seiners in any of the public waters of the State shall be cancelled and withheld in the discretion of the fish and game commissioner.

Sec. 23. Removed not applicable. Game animals defined-open season and sale of deer-killing bear-red cap-penalty.

Sec. 24. Removed not applicable. Fur-bearing animals-open season for trapping-damage by muskrats.

Sec. 28. Mostly removed not applicable. Game preserves established.

1. Oquirrh mountains.
2. Cache National Forest.
3. Dixie National Forest.
4. Fish Lake National Forest commonly known Annabella division.
5. (Between Ogden and Weber River???)
6. Strawberry area.
7. Parleys to Provo canyon (sort of)
8. American Fork Canyon.
9. Dry Fork, Green River.
10. Manti National Forest
11. Parowan canyon

(1) The following described area to be known as the Crescent Canyon Game Preserve:

All of sections 3, 4, 5, 6, 7, 8, 9, 10, 18, 17, 16, 15, 19, 20, 21 and 25 in township 28 south, range 4 east, Salt Lake meridian.

(2) The following described area to be known as the Pleasant Creek Game Preserve:

All of sections 1, 2, 3, 4, 9, 10, 11, 12, 16, 15, 14, 13, 21, 22, 23, 24, 25, 26, 27 and 23 in township 31 south, range 6 east. Salt Lake meridian; also sections 5, 6, 7, 8, 17, 18, 19, 20, 29, and 30, in township 31 south, range 7 east, Salt Lake meridian.

Sec. 30. Removed not applicable. Hunting season for ducks, geese, etc.-limitations-sneak boats-rifle-shooting.

Sec. 46. Removed not applicable. Use of firearms forbidden to person under influence of liquor.

Sec. 47. It shall be, unlawful to use mullets or suckers for poultry food, or to waste or cause to be wasted any of the fish or game mentioned in this Act, except carp. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00.

Sec. 2. This Act shall take effect upon approval.

Approved March 2, 1925.

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