

**Rule Change 2014(08)**

**COLORADO APPELLATE RULES**

**Rule 1. Scope of Rules**

**(a) Matters Reviewable.** An appeal to the appellate court may be taken from:

- (1) A final judgment of any district, ~~superior~~, probate, or juvenile court in all actions or special proceedings whether governed by these rules or by the statutes;
- (2) A judgment and decree, or any portion thereof, in a proceeding concerning water rights; and an order refusing, granting, modifying, cancelling, affirming or continuing in whole or in part a conditional water right, or a determination that reasonable diligence or progress has or has not been shown in an enterprise granted a conditional water right;
- (3) An order granting or denying a temporary injunction;
- (4) An order appointing or denying the appointment of, or sustaining or overruling a motion to discharge, a receiver.

**(b) Limitation on Taking Appeals.** The taking of appeals shall be in accordance with these rules except for special proceedings in which a different time period is set by statute for the taking of an appeal.

**(c) Appeal Substitute for Writs of Error.** Matters designated by statute to be reviewable by writ of error shall be reviewed on appeal as herein provided.

**(d) Ground for Reversal, etc.** ~~Briefs filed pursuant to Each party in this brief required by~~ C.A.R. 28(a) shall state clearly and briefly the grounds upon which ~~he the party~~ relies in seeking a reversal or modification of the judgment or the correction of adverse findings, orders, or rulings of the trial court. ~~He~~ The party will be limited to the grounds so stated although the court may in its discretion notice any error appearing of record. When an appeal has been taken, it shall not be dismissed upon motion of an appellant without notice to all interested parties whose appearances have been entered in the appellate court, and order of the court permitting such dismissal; if dismissal is objected to by any such interested party, ~~he the party~~ may, in the court's discretion, seek reversal, modification, or correction of the judgment.

**(e) Review of Water Matters.** The notice of appeal (see C.A.R. 4) for review of the whole or any part of a judgment and decree or order as defined in subsection (a)(2) of this Rule shall designate as appellant the party or parties filing the notice of appeal and as appellee all other parties whose rights may be affected by the appeal and who in the trial court entered an appearance, by application, protest, or in any other authorized manner. If not an appellant, the division engineer shall be an appellee; provided that upon application, a dismissal may be entered as to the division engineer in the absence of objection made by any party to the appeal within ~~ten~~ 14 days from the mailing to such party of such application. The notice of appeal shall describe the water rights with sufficient particularity to apprise each appellee of the issues sought to be reviewed. The notice of appeal shall otherwise comply with the requirements of C.A.R.