

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Notice of an Application from the City of Corpus Christi, the City of Three Rivers, and the Nueces River Authority for an Emergency Order temporarily suspending the requirement to release water for beneficial inflows to estuaries under the operating provisions of the 2001 Agreed Order for special condition 5.B in Certificate of Adjudication No. 21-3214.

On August 11, 2026, the City of Corpus Christi, the City of Three Rivers, and the Nueces River Authority (collectively, Applicants) filed an application for an emergency order for temporary emergency relief from operating requirements for special condition 5.B in Certificate of Adjudication No. 21-3214, as set forth in a 2001 Agreed Order, by suspending the requirement to begin passing inflows when the combined storage in Choke Canyon Reservoir and Lake Corpus Christi is at least 30 percent. Applicants request that combined storage in Choke Canyon Reservoir and Lake Corpus Christi exceed 50 percent before the inflows must be passed. Applicants request that the application be processed under Texas Water Code Sections 5.501, 5.506, and 11.148, as appropriate, and the Governor's Emergency Disaster Proclamation related to drought. Without emergency relief, the requirements in the 2001 Agreed Order would necessitate the passage of 36,500 acre-feet of water from the identified lakes.

The TCEQ Executive Director will consider whether to grant this request and issue an emergency order on August 25, 2026. If the Executive Director issues an order, the Commission will hold a hearing to affirm, modify, or set aside the order on September 9, 2026. See more information below.

Summary of the application:

Certificate of Adjudication No. 21-3214 (Certificate) authorizes Applicants to impound up to 700,000 acre-feet in Choke Canyon Reservoir. The Certificate also authorizes the diversion and use of 139,000 acre-feet of water per year from Choke Canyon Dam and Reservoir for municipal, industrial, mining, domestic and livestock, and agricultural purposes in Nueces, San Patricio, Aransas, Jim Wells, Live Oak, Kleberg, Bee, McMullen, Duval, and Atascosa counties. Special Condition 5.B of the Certificate requires Applicants to provide not less than 151,000 acre-feet of water per year to the estuaries by a combination of releases and spills from Choke Canyon Reservoir and Lake Corpus Christi at Lake Corpus Christi Dam and return flows to Nueces and Corpus Christi Bays and other receiving estuaries in accordance with operational procedures ordered by the TCEQ.

In 2001 the applicants and TCEQ entered into an Agreed Order (2001 Agreed Order) that amended the operational procedures for Special Condition 5. previously established in a 1995 Agreed Order. These operational procedures, required by the Certificate, specify reservoir operational parameters including the amount of releases, based on the combined storage capacity of Choke Canyon Reservoir and Lake Corpus Christi (Reservoir System).

Freshwater inflow targets in the 2001 Agreed Order increase as the combined storage capacity of the Reservoir System increases. When the combined storage in the Reservoir System is greater than or equal to 70%, the target pass-through amount is 138,000 acre-feet per year. When the combined storage in the Reservoir System is between 40% and 70%, the required pass through is 97,000 acre-feet per year. When the combined storage in the Reservoir System is between 30% and 40%, the required pass through is 14,400 acre-feet per year. When the combined storage in the Reservoir System is less than 30%, passage of inflows is suspended.

Applicants state in the application that:

The Nueces river basin is experiencing ongoing drought conditions that are likely worse than those experienced during the drought of record in the basin, there are no signs of weather improvement, and the Reservoir System is experiencing record low storage levels. Inflows to the Reservoir System have been substantially below historical averages with a trend of comparatively lower inflows over the past twenty-five years. The 2001 Agreed Order did not consider the low inflows and storage conditions that the Reservoir System is currently experiencing.

The City of Corpus Christi provides water supplies for nearly 80 percent of the demands in the eleven-county Region N Water Planning Area. As of August 4, 2026, the City of Corpus Christi's regional system spent 596 days in the most severe stage of the City's Drought Contingency Plan before emergency curtailment, which evidences the severity of low-storage conditions. The City of Corpus Christi's DCP includes water use restrictions that apply under each stage of drought or level of water emergency and the provisions of the DCP apply to the City's retail, wholesale, and regional customers. In recent years, the City of Corpus Christi has repeatedly approached implementation of serious water curtailments that would mandate a 25% reduction in water usage for all customers.

The governor issued a renewed drought disaster proclamation for counties in the Coastal Bend on July 16, 2026. The National Weather Service's August 3, 2026, weather forecasts for Fall of 2026 indicate that the region is not expected to experience relief from persistent drought conditions and drought conditions are expected to worsen despite the temporary rainfalls in July.

Under the 2001 Agreed Order the City of Corpus Christi must begin passing inflows through the Reservoir System when the combined storage capacity is above 30%. Without emergency relief, Applicants could be required to release as much as 36,500 acre-feet of inflows to the Reservoir System to comply with the terms of the 2001 Agreed Order.

Under the terms of the 2001 Agreed Order, Applicants are not required to release inflows when storage in the Reservoir System falls below 30% of the combined storage capacity. Water has not been released from the reservoir system to support freshwater inflows in the last 19 months because the combined storage capacity was below 30% due to persistent drought conditions. There has been no evidence of fish kills, marine life depopulation, or environmental complaints about bay impairment directly attributable to the absence of releases during the last 19 months.

There are no reasonably available and feasible practicable alternative water supplies or water management or conservation strategies that could be obtained or implemented at this time that would replace the volume of inflows Applicants might otherwise have to release from the Reservoir System if the requested relief is not granted. Applicants and water users are continuing to evaluate and, in some cases, implement alternatives, but those alternatives are either uncertain, insufficient or will take time and funding before they can provide relief. The City of Corpus Christi has implemented the requirements in its water conservation plans and drought contingency plans to reduce demands. However, the drought contingency plan does not create a new supply and water conservation alone is insufficient to alleviate the emergency conditions.

Applicants request an emergency order to temporarily suspend requirements related to special condition 5.B in Certificate of Adjudication No. 21-3214 and set forth in Paragraphs 1.c. and 2.b.(2) in the 2001 Agreed Order, with such suspensions tied exclusively to the release of inflows to Nueces Bay and/or the Nueces Delta. The application requests to suspend the requirement to begin passing inflows when the combined storage in Choke Canyon Reservoir and Lake Corpus Christi is at least 30% and instead allow releases to begin when storage capacity exceeds 50%. Applicants do not request to cease all releases of inflows to the bays and estuaries, releases would resume when the combined storage in the reservoir system begins to recover and exceeds 50% capacity, in accordance with other provisions of the 2001 Agreed Order.

Statute and Rule: The Commission or Executive Director may issue an emergency order under Tex. Water Code §§ 5.506 and 11.148 and 30 TAC § 35.101 to temporarily suspend conditions in water rights relating to beneficial inflows to bays and estuaries and instream uses during an emergency. The Commission or Executive Director must find that: (1) emergency conditions exist that present an imminent threat to public health, safety, and welfare, and that: (A) override the necessity to comply with general procedures and criteria for changing the conditions in a water right; or (B) override the need to maintain the balance between protecting environmental flow needs and other public interests and relevant factors; and (2) there are no feasible, practicable alternatives to the emergency order.

Under 30 TAC § 35.25(c), an affected person may request an evidentiary hearing on issuance of the emergency order. Pursuant to 30 TAC § 35.101(g), the Commission may refer the application to the State Office of Administrative Hearings for an expedited hearing.

Executive Director and Commission Action: The Executive Director will consider the application on August 25, 2026. Pursuant to Tex. Water Code §§ 5.506 and 11.148, and 30 TAC § 35.101(i), the TCEQ is providing notice to the TPWD, water right holders from Choke Canyon Reservoir downstream to the Gulf and the Nueces Estuary Advisory Council that if the Executive Director issues an Emergency Order, the Commission will consider whether to affirm, modify, or set aside the order at a hearing on September 9, 2026 at 9:30 a.m. at:

Texas Commission on Environmental Quality
12100 Park 35 Circle
Building E, Room 201S
Austin, Texas 78753

Information: Persons may attend the Commission hearing and may file written comment no later than 5:00 p.m. on September 7, 2026 by filing it with the Office of Chief Clerk, MC 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 3214 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

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