

Exhibit 5

Data Gap No. 12

“Regarding the water source, we understand that Enefit plans to use excess water from the Deseret Power Plant, but how much water is available?” (DPOD Section 4.1.1, page 13)

EAO Response:

The water source is not necessarily excess water from Deseret Generation and Transmission’s (DGT’s) Bonanza Power Plant (BPP), but rather there is excess capacity in DGT’s existing water conveyance system to transport water from the Green River. There is approximately 15 cubic feet per second (cfs) spare capacity in DGT’s existing water conveyance system from the Green River to the BPP, and EAO has an agreement with DGT for access and transport of up to 15 cfs of an existing water right from the Green River to the South Project location. EAO is proposing construction of a new water conveyance system with up to 15 cfs capacity from the BPP to the South Project.

Data Gap No. 13

“Does water availability change during the year?” (DPOD Section 4.1.1, page 13)

EAO Response:

Water availability does change throughout the year. According to the United States Geological Survey’s Jensen gauging station No. 09261000 on the Green River, the lowest average flow tends to occur in September (based on water data from 1947 - 2004), at an average monthly discharge rate of 1,895 cfs. However, water availability for the BPP and the South Project would be the same for all Utility Corridor Project alternatives.

Data Gap No. 14

“Is there anyone else currently using the excess Deseret water?” (DPOD Section 4.1.1, page 13)

EAO Response:

The current delivery rates of the existing system are included in DGT’s standard operations and are not part of the 15 cfs excess capacity. Also, there are no other parties using the water right EAO is intending to use.

Data Gap No. 15

“Is the watershed fully allocated? What other uses are permitted in the watershed and Groundwater Basin?” (DPOD Section 4.1.1, page 13)

EAO Response:

The Green River and its tributaries form the headwaters of the largest tributary of the Colorado River. At the Jensen, UT gauging station located near the water withdrawal point, the total drainage area is 29,660 square miles. Water rights in the western United States are governed by the Colorado River Compact of

Regarding the groundwater basin, water withdrawal from groundwater is not currently being considered as part of this utility corridor application. Rather, a surface point of diversion from the Green River is proposed as the water supply method.

Data Gap No. 16

“How much water is needed for various activities associated with the mining project? Construction? Operations? Sanitary facilities? Timing for water needs?” (DPOD Section 4.1.1, page 13)

EAO Response:

EAO is still in the planning and preliminary engineering design process for the South Project mining and mineral processing facilities; therefore, water supply amounts for various construction and operation processes are only available as preliminary estimates at this time. At the 33rd Oil Shale Symposium held at the Colorado School of Mines in October 2013, EAO chief executive officer Rikki Hrenko presented the following information regarding water use for the South Project:

First 25,000 Barrels per Day Phase (first four years of operation)

- Mining – 2.48 cfs (including 1.46 cfs treated water reuse and 0.87 cfs raw water);
- Retorting and Upgrading – 0.74 cfs;
- Utility and Power Generation – 0.88 cfs; and
- Other Uses – 0.09 cfs.

Full 50,000 Barrels per Day Build-Out (30 years of operation)

- Mining – 4.33 cfs (including 3.04 cfs treated water reuse and 1.29 cfs raw water);
- Retorting and Upgrading – 1.78 cfs;
- Utility and Power Generation – 1.63 cfs; and
- Other Uses – 0.09 cfs.

It is important to note that these water use estimates are preliminary and subject to change based on ongoing engineering of the private-land development South Project. Final/actual water use values will not be known until EAO completes engineering of the private land development, although it is important to note that water use is anticipated to be the same for all Utility Corridor Project action alternatives. As with air emissions, engineering design and development of South Project with regard to water use may be affected by the availability of utilities to the South Project; therefore, water use information cannot be confirmed until after the BLM’s utility corridor EIS process is complete. EAO has considered the appropriate pipeline size to deliver the full 15 cfs available under the water right and agreement with DGT.

Regarding timing of water needs, the water supply pipeline proposed as part of the Utility Corridor Project would be constructed prior to the onset of construction of the South Project, as water is needed at the private land for such construction activities as concrete mixing and dust control. It should be

noted that full operational water use would not occur until after construction of the full build-out of the South Project is complete.

Data Gap No. 17

“Where will this water be sourced? Deseret Power Plant? Again, same questions as above. How much water is available? Does water availability change during the year.” (DPOD Section 4.1.1, page 13)

EAO Response:

Water for construction of the Utility Corridor Project would likely be sourced from DGT’s BPP. This water would primarily be used for fugitive dust control and hydrostatic testing of the proposed pipelines. See Data Gap No. 39 for additional information regarding hydrostatic testing. Regarding availability of water, see responses above. DGT has existing conveyance facilities from the Green River to the BPP with spare capacity; therefore, water would be available at the onset of utility corridor construction.

Data Gap No. 18

“What other uses are permitted in the watershed? Pending permits?” (DPOD Section 4.1.1, page 13)

EAO Response:

See response to Data Gap No. 15 above regarding permitted uses in the watershed.

Data Gap No. 19

“What reasonably foreseeable future actions are proposed in the watershed? Groundwater Basin?” (DPOD Section 4.1.1, page 13)

EAO Response:

The Green River basin is a massive watershed, totaling nearly 30,000 square miles at the proposed withdrawal point from the Green River near Jensen, Utah. EAO believes that it is beyond the scope of this utility corridor ROW application and EIS to identify and consider reasonably foreseeable future actions (RFFAs) throughout the Green River watershed. Instead, EAO has focused on identifying RFFAs within the southeastern portion of Uintah County, and within a reasonable range downstream on the Green River, that are similar industrial-type water users. EAO has identified the following RFFAs through a review of recent press releases and public notifications (although it is not expected that all would be simultaneously withdrawing water from the Green River, nor would they necessarily withdraw water at the same rates):

- DGT BPP Unit 2 expansion;
- Red Leaf Resources’ oil shale project;
- U.S. Oil Sands’ tar sands project;
- Blue Castle Holdings’ nuclear power plant project; and
- Rock River Resources’ Emery Refinery.