



## Public Water System Binding Commitment Letter for DW- 5923

October 27, 2022

Cedar Creek Mutual Domestic Water Consumers Association  
700 Mechem Drive, Ste. 15  
Ruidoso, NM 88345  
[Robert.jr0985@sbcglobal.net](mailto:Robert.jr0985@sbcglobal.net)

The New Mexico Finance Authority's Board of Directors has approved the application submitted by the Cedar Creek Mutual Domestic Water Consumers Association and hereby commits to make a loan in the amount of \$550,000 with a maturity of 32 years. This loan has a construction term of two (2) years, and a repayment term of 30 years. An interest rate of .25% over the life of the loan applies. This loan is funded through the Drinking Water State Revolving Loan Fund and part of it may be forgivable.

The Applicant is a qualified public water supply system under federal law, 42 U.S.C. 300j-12, and applicable state law, Sections 6-21A-1, *et seq.*, NMSA 1978, organized and existing under the Laws of New Mexico. The Applicant will finance the water project described in the application, subject to the following terms and conditions of this Binding Commitment Letter.

This Commitment requires that the Applicant submit the documents listed below to the Finance Authority within 6 months of this commitment: April 27, 2023.

- 1) Signed Binding Commitment Letter;
- 2) Preliminary Engineering Report (PER) or technical memo acceptable to the Finance Authority;
- 3) Cost breakdown of the project, certified by an engineer or architect;
- 4) Detailed drawdown schedule for project payments;
- 5) Engineering Contract Award approval by New Mexico Environment Department (NMED-CPB) and Finance Authority;
- 6) Applicant needs to demonstrate compliance with EPA guidance on System Award Management found at the following website:  
<https://www.sam.gov/portal/public/SAM/>
- 7) Completion of the State Environmental Review Process approved by the Finance Authority; and
- 8) Any additional information requested by the Finance Authority.

Upon receipt of the documents, the Finance Authority will prepare a financing schedule and initiate the closing process. If the conditions set forth above are not satisfied, the commitment can be extended at the sole discretion of the Finance Authority for an additional 60 days, during which time the Applicant must submit the remaining documentation. Failure on the Applicant's part to submit the above documentation will result in termination of the Authority's Commitment.



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The following documents will be required before funds will be disbursed for construction:

- 1) Approval of Plans and Specifications by New Mexico Environment Department (NMED-CPB) Construction Programs Bureau and Finance Authority;
- 2) Approval of Plans and Specifications by New Mexico Environment Department (NMED-DWB) Drinking Water Bureau prior to construction start;
- 3) Approval of Bids by NMED-CPB and Finance Authority;
- 4) Any additional information requested by Finance Authority.

Closing and funding of the loan has been approved by the Finance Authority's Board of Directors, subject to the terms and conditions set out in this Commitment. The construction of the project must be completed within three years from the date of closing of the loan.

A handwritten signature in black ink, appearing to read "Marquita Russel".

\_\_\_\_\_  
Marquita Russel, Chief Executive Officer  
New Mexico Finance Authority

\_\_\_\_\_  
Date

The undersigned hereby accepts and acknowledges the foregoing commitment and agrees to the terms and conditions thereof.

Applicant: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title