

**Ron Anderson Letterhead** (See Attached)

Sept. 2, 2016

North Dakota Weights and Measures  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505



Attention: Josh Gallion - Director

Subject: Variance Permit Request – Article 69-10-01-04.1

We are requesting a variance permit for the permanent use of a pit-less truck scale to be installed onto a floating slab foundation. We have a farm near Westhope and we would like to have a certified scale put in at our bin site west of Westhope. We have chosen to apply for the floating slab variance as we believe the floating slab option better suits our application. Our proposed location for the scale has a high water table and we feel the floating slab option will work better long term if the foundation is not down in the wet ground. The permanent truck scale and foundation is to be installed by Prairie Scale Systems Inc. and will be installed to meet all accuracy requirements. Construction for the new scale is tentatively scheduled to start around the first part of October.

The proposed temporary scale that is to be used is an 80 ft x 11 ft Rice Lake Weighing Systems OTR Series truck scale. This particular scale, has an overall capacity of 200,000 lbs and a concentrated load capacity of 100,000 lbs. The scale is to be setup, tested, and certified to meet the tolerances of a legal for trade scale. A serial number of the scale can be provided if we are granted this variance.

We appreciate your cooperation with our request. If we are granted a variance, we plan to operate the truck scale according to all applicable North Dakota Laws and Rules.

Thank you,  
Mitch Opdahl  
Ballantyne Agri

**Bauske, Shelly A.**

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**Subject:** RE: Variance Permit Request Information

September 12, 2016

I talked to Mitch Opdahl – 701-263-1454 ([opdahl97@gmail.com](mailto:opdahl97@gmail.com)). The variance request prints with the header “Ron Anderson Letterhead.” Mitch is not associated with Ron Anderson and the variance should be issued to Ballantyne Agri. The mailing address for Ballantyne Agri is: 10050 Co Rd 17A, Westhope, ND 58793. The scale location is 1 ¼ mile west of Westhope on Co Rd 6.

**From:** mitch opdahl [<mailto:opdahl97@gmail.com>]  
**Sent:** Thursday, September 08, 2016 1:13 PM  
**To:** Bauske, Shelly A.  
**Subject:** Re: Variance Permit Request Information

Hi Shelly, Here is my request for a Variance permit. I dont have Joshs email so could you share this with him.  
Thank You,  
Mitch Opdahl

On Mon, Aug 29, 2016 at 10:56 AM, Bauske, Shelly A. <[sbauske@nd.gov](mailto:sbauske@nd.gov)> wrote:

Good Morning Mitch

Per our conversation, here is the N.D. Admin. Code referencing variance permit requests.

**69-10-01-04.1. Variance permit requests.**

The operator of any commercial weighing or measuring device, other than an operator seeking a split-weigh variance permit under section 69-10-01-04.2, may make written request for a variance permit from the commission under North Dakota Century Code section 64-02-02. The request for a variance permit must contain:

1. The name, address, and telephone number of the business making the request along with the

name of its contact person and the reason for the request;

2. A plan for compliance over a period not to exceed one hundred eighty days if the variance permit request results from a rejection; or, a plan for compliance over a period not to exceed five years if the variance request results from economic hardship. Through reapplication, the economic hardship variance may be a permanent variance permit provided the applicant can show that compliance will continue to cause economic hardship;

3. The manufacturer's name, type, location, serial number, deck length, and capacity of the device;

4. The maximum amount that will be weighed on the device, along with a certified letter from an engineer or competent scale engineering authority certifying that operating the device at that weight will not constitute a safety hazard (if applying for a variance permit that will allow a device to be used beyond its rated sectional or concentrated load capacity);

5. Detailed information showing that compliance with specific regulations will cause economic hardship (if applicable to the variance permit request); and

6. Any other information the operator believes may expedite the variance permit request.

A variance permit granted by the commission is a temporary variance permit and does not become permanent until sufficient time to conclude inspection and testing (usually two years) has elapsed. A notice of the variance permit must be conspicuously posted on the device during the time the temporary variance permit is in effect.

**History:** Effective August 1, 1993; amended effective September 1, 1994; February 1, 1996; July 1, 1997; July 1, 2008.

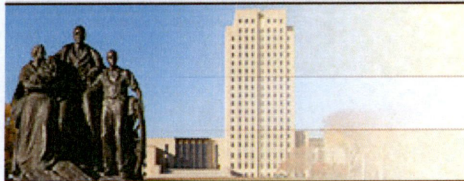
**General Authority:** NDCC 64-02-03

**Law Implemented:** NDCC 64-02-02, 64-02-13

<http://www.legis.nd.gov/information/acdata/html/69-10.html>

North Dakota

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# SECRETARY OF STATE NORTH DAKOTA



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## BALLANTYNE AGRI

### Fictitious Name Details

<b>System ID:</b> 12507600	<b>Phone:</b> (701) 245-6552
<b>Type:</b> General	
<b>Status:</b> Active & Good Standing	
<b>Original File Date:</b> 05/25/2004	<b>Last Renewal Date:</b> 05/25/2014
<b>State of Origin:</b> North Dakota	

### Nature of Business

FARMING

### Principal Office

10050 COUNTY ROAD 17A  
WESTHOPE, ND 58793-9773

### Owners

**JERRAD BALLANTYNE**  
10191 16TH AVE NW  
WESTHOPE, ND 58793-9605

**JOSHUA BALLANTYNE**  
979 104TH ST NW  
SOURIS, ND 58783-9741

**MITCHELL OPDAHL**  
13 HIGHVIEW ESTATES RD  
BOTTINEAU, ND 58318-8214

**ORLYN BALLANTYNE**  
9459 15TH AVE NW  
WESTHOPE, ND 58793-9719

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