

NEWMONT MINING CORP /DE/  
Form 5  
March 28, 2003

**FORM 5**

UNITED STATES SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

OMB APPROVAL

Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).

**ANNUAL STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP**

OMB Number: 3235-0362  
Expires: January 31, 2005  
Estimated average burden hours per response. . .0.5

Form 3 Holdings Reported  
 Form 4 Transactions Reported

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

Filed By  
Romeo and Dye's  
Section 16 Filer  
www.section16.net

| 1. Name and Address of Reporting Person*<br><b>Francisco, David H.</b><br>(Last) (First) (Middle)<br><b>1700 Lincoln Street</b><br>(Street)<br><b>Denver, Co 80203</b> |  |   | 2. Issuer Name and Ticker or Trading Symbol<br><b>Newmont Mining Corporation NEM</b>  |   |  | 6. Relationship of Reporting Person(s) to Issuer (Check all applicable)<br><input type="checkbox"/> Director<br><input type="checkbox"/> 10% Owner<br><input checked="" type="checkbox"/> Officer (give title below)<br><input type="checkbox"/> Other (specify below)<br><b>Executive Vice President, Operations</b> |  |  |                                   |
|--|--|---|---|---|--|---|--|--|-----------------------------------|
|  |  |   | 3. I.R.S. Identification Number of Reporting Person, if an entity (voluntary)         |   | 4. Statement for Month/Year<br><b>December 2002</b>  |   |  |  |                                   |
|  |  |   |   |   | 5. If Amendment, Date of Original (Month/Year)   |   |  |  |                                   |
|  |  |   |   |   | 7. Individual or Joint/Group Filing (Check Applicable Line)<br><input checked="" type="checkbox"/> Form filed by One Reporting Person<br><input type="checkbox"/> Form filed by More than One Reporting Person |   |  |  |                                   |
| (City) (State) (Zip)   |  |   | <b>Table I Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned</b> |   |  |   |  |  |                                   |
| 1. Title of Security (Instr. 3)  | 2. Transaction Date (Month/ Day/ Year) | 2A. Deemed Execution Date, if any (Month/Day/ Year) | 3. Transaction Code (Instr. 8)  | 4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 & 5) |  |   | 5. Amount of Securities Beneficially Owned at End of Issuer's Fiscal year (Instr. 3 & 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Ownership (Instr. 4) |
|  |  |   |   | Amount  | (A) or (D)   | Price   |  |  |                                   |

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

\* If the form is filed by more than one reporting person, see Instruction 4(b)(v).

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number

**FORM 5 (continued) Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)**

| 1. Title of Derivative Security (Instr. 3) | 2. Conversion or Exercise Price of Derivative Security | 3. Transaction Date (Month/ Day/ Year) | 3A. Deemed Execution Date, if any (Month/Day/ Year) | 4. Transaction Code (Instr. 8) | 5. Number of Derivative Securities Acquired (A) or Disposed of (D) | 6. Date Exercisable and Expiration Date (Month/Day/ Year) | 7. Title and Amount of Underlying Securities (Instr. 3 & 4) | 8. Price of Derivative Security (Instr. 5) | 9. Number of Derivative Securities Beneficially Owned at End of Year (Instr. 4) | 10. Ownership Form of Derivative Security: Direct (D) | 11. Nature of Indirect Beneficial Ownership (Instr. 4) |
|--|--|--|---|--------------------------------|--|---|---|--|---|---|--|
|--|--|--|---|--------------------------------|--|---|---|--|---|---|--|

Edgar Filing: NEWMONT MINING CORP /DE/ - Form 5

|               |         |          |  |    | (Instr. 3, 4 & 5) |     | Date Exer-cisable | Expira-tion Date | Title        | Amount or Number of Shares |         | or Indirect (I) (Instr. 4) |   |
|---------------|---------|----------|--|----|-------------------|-----|-------------------|------------------|--------------|----------------------------|---------|----------------------------|---|
|               |         |          |  |    | (A)               | (D) |                   |                  |              |                            |         |                            |   |
| Phantom Stock | 1-for-1 | (1)      |  | A  | 627               |     | immed             | (2)              | Common Stock | 627                        | (1)     | 627                        | D |
| Phantom Stock | 1-for-1 | 8-16-02  |  | A4 | 38                |     | immed             | (2)              | Common Stock | 38                         | \$26.80 |                            |   |
| Phantom Stock | 1-for-1 | 8-30-02  |  | A4 | 43                |     | immed             | (2)              | Common Stock | 43                         | \$28.49 |                            |   |
| Phantom Stock | 1-for-1 | 9-13-02  |  | A4 | 34                |     | immed             | (2)              | Common Stock | 34                         | \$29.34 |                            |   |
| Phantom Stock | 1-for-1 | 9-30-02  |  | A4 | 36                |     | immed             | (2)              | Common Stock | 37                         | \$27.51 |                            |   |
| Phantom Stock | 1-for-1 | 10-15-02 |  | A4 | 43                |     | immed             | (2)              | Common Stock | 43                         | \$23.10 |                            |   |
| Phantom Stock | 1-for-1 | 12-31-02 |  | A4 | 1                 |     | immed             | (2)              | Common Stock | 1                          | \$29.03 | 823                        | D |

Explanation of Responses:

(1) Acquired on various dates between January 1 and July 31, 2002 pursuant to Newmont Mining Corporation's Savings Equalization Plan at prices ranging from \$21.84 to \$31.21.

(2) Shares of phantom stock are payable in cash following termination of the reporting person's employment with Newmont Mining Corporation.

(3) David H. Francisco has executed a power of attorney, a copy of which has been previously filed, that authorizes Ardis Young to sign this Form 4 on his behalf.

By: /s/ **Ardis Young, Attorney in Fact for David H. Francisco**<sup>(3)</sup>

**March 28, 2003**  
Date

\*\*Signature of Reporting Person

\*\*Intentional misstatements or omissions of facts constitute Federal Criminal Violations.  
See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).

Note: File three copies of this Form, one of which must be manually signed.  
If space is insufficient, See Instruction 6 for procedure.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB Number.