PERRY RICHARD
Form 4
November 24, 2004

# FORM 4

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

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

## STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

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

OMB APPROVAL
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(Print or Type Responses)

1. Name and Address of Reporting Person *
PERRY RICHARD

(Last) (First) (Middle)

1700 LINCOLN STREET

(Street)

DENVER, CO 80203

(City) (State) (Zip)

2. Issuer Name **and** Ticker or Trading Symbol
NEWMONT MINING CORP /DE/ [NEM]

3. Date of Earliest Transaction (Month/Day/Year)
11/23/2004

4. If Amendment, Date Original Filed(Month/Day/Year)

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

_____ Director _____ 10% Owner
__X__ Officer (give title below) _____ Other (specify below)
Vice President

6. Individual or Joint/Group Filing(Check Applicable Line)
_X_ Form filed by One Reporting Person
___ Form filed by More than One Reporting Person

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

| 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 and 5) | | | 5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4) | 6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4) | 7. Nature of Indirect Beneficial Ownership (Instr. 4) |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Code | V | Amount | (A) or (D) | Price | | | |
| Common Stock $1.60 par value | 11/23/2004 | | M | | 875 | A | $ 25.44 | 14,783 | D | |
| Common Stock, $1.60 par value | 11/23/2004 | | S | | 875 | D | $ 48.66 | 13,908 | D | |
| Common Stock, $1.60 par value | 11/23/2004 | | M | | 875 | A | $ 13.22 | 14,783 | D | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Common Stock, $1.60 par value | 11/23/2004 | S | 875 | D | $ 48.71 | 13,908 | D |
| Common Stock, $1.60 par value | 11/23/2004 | M | 1,562 | A | $ 21.03 | 15,470 | D |
| Common Stock, $1.60 par value | 11/23/2004 | S | 1,562 | D | $ 48.66 | 13,908 | D |
| Common Stock, $1.60 par value | 11/23/2004 | M | 1,562 | A | $ 23.67 | 15,470 | D |
| Common Stock, $1.60 par value | 11/23/2004 | S | 1,562 | D | $ 48.71 | 13,908 | D |
| Common Stock, $1.60 par value | 11/23/2004 | M | 2,500 | A | $ 28.56 | 16,408 | D |
| Common Stock, $1.60 par value | 11/23/2004 | S | 1,730 | D | $ 48.71 | 14,678 | D |
| Common Stock, $1.60 par value | 11/23/2004 | S | 770 | D | $ 48.66 | 13,908 | D |
| Common Stock, $1.60 par value | 11/23/2004 | M | 2,500 | A | $ 23.99 | 16,408 | D |
| Common Stock, $1.60 par value | 11/23/2004 | S | 1,667 | D | $ 48.75 | 14,741 | D |
| Common Stock, $1.60 par value | 11/23/2004 | S | 833 | D | $ 48.71 | 13,908 | D |
| | 11/23/2004 | M | 3,333 | A | | 17,241 | D |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Common Stock, $1.60 par value | | | | | | | $ 28.11 | | |
| Common Stock, $1.60 par value | 11/23/2004 | | S | | 3,333 | D | $ 48.75 | 13,908 (8) | D |

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

**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.**

SEC 1474 (9-02)

**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) (Instr. 3, 4, and 5) | | 6. Date Exercisable and Expiration Date (Month/Day/Year) | | 7. Title and Amount of Underlying Securities (Instr. 3 and 4) | | 8 D S (I |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Code | V | (A) | (D) | Date Exercisable | Expiration Date | Title | Amount or Number of Shares | |
| Employee Stock Option (right to buy) | $ 25.44 | 11/23/2004 | | M | | | 875 | (1) | 05/16/2010 | Common Stock | 875 | |
| Employee Stock Option (right to buy) | $ 13.22 | 11/23/2004 | | M | | | 875 | (2) | 11/14/2010 | Common Stock | 875 | |
| Employee Stock Option (right to buy) | $ 21.03 | 11/23/2004 | | M | | | 1,562 | (3) | 05/15/2011 | Common Stock | 1,562 | |
| Employee Stock Option | $ 23.67 | 11/23/2004 | | M | | | 1,562 | (4) | 11/12/2011 | Common Stock | 1,562 | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| (right to buy) | | | | | | | | | |
| Employee Stock Option (right to buy) | $ 28.56 | 11/23/2004 | | M | 2,500 | (5) | 05/14/2012 | Common Stock | 2,500 |
| Employee Stock Option (right to buy) | $ 23.99 | 11/23/2004 | | M | 2,500 | (6) | 11/20/2012 | Common Stock | 2,500 |
| Employee Stock Option (right to buy) | $ 28.11 | 11/23/2004 | | M | 3,333 | (7) | 05/06/2013 | Common Stock | 3,333 |

# Reporting Owners

| Reporting Owner Name / Address | Relationships | | | |
|---|---|---|---|---|
| | Director | 10% Owner | Officer | Other |
| PERRY RICHARD<br>1700 LINCOLN STREET<br>DENVER, CO 80203 | | | Vice President | |

# Signatures

| | |
|---|---|
| By: Sharon E. Thomas, Secretary, as attorney-in-fact | 11/24/2004 |
| **Signature of Reporting Person | Date |

# Explanation of Responses:

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

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

**(1)** The option vested in four equal annual installments beginning May 16, 2001, 2002, 2003 and 2004.

**(2)** The option vested in four equal annual installments beginning November 14, 2001, 2002, 2003 and 2004.

**(3)** The option vests in four equal annual installments beginning May 15, 2002, 2003, 2004 and 2005.

**(4)** The option vests in four equal annual installments beginning November 12, 2002, 2003, 2004 and 2005.

**(5)** The option vests in four equal annual installments beginning May 14, 2003, 2004, 2005 and 2006.

**(6)** The option vests in four equal annual installments beginning November 20, 2003, 2004, 2005 and 2006.

**(7)** The option vests in three equal annual installments beginning May 6, 2004, 2005 and 2006.

**(8)** As of October 31, 2004 the reporting person held 1,087 shares of Newmont Mining Corporation common stock in his 401-K Plan.

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