טז. אם נתן מים בכלי כדי לבדוק אם הכלי נקוב, כשרים המים שבכלי לנטילת ידים, ואינם נחשבים למים שנעשתה בהם מלאכה. [הליכו"ע ח"א עמ' שלח]

יז. מים העוברים בצינורות, ומפעילים את שעון המים, או מגביהים את מצוף החבית של המים, כשרים לנטילת ידים, ואינם נחשבים למים שנעשתה בהם מלאכה. [הליכו"ע ח"א עמ' שלח, אור לציון ח"ב עמ' צב]

Testing container for leaks

16) If someone poured water into a container to test it for leaks, the water is still fit for the mitzah of *netillat yadayim*. It is not considered used water.[88]

Water meters

17) As tap water runs through the pipes into each private home or establishment, it turns the hands of the water meter. Despite the fact that the water performs this task it is not considered "used water" and it remains fit for the mitzvah of *netillat yadayim*. Likewise, when water fills a tank and raises a float that shuts the flow when the tank is full, it is not considered "used water" for having raised the float.[89]

88. The *Ben Ish Hai* (*parashat Kedoshim* halakha 11) ruled stringently in this matter, basing his ruling on the *Bet David* (#530). Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 338) disagreed with this ruling, citing the *Bet Menuha* (page 38, #3). He decided that in this case the water does not become "used water" since it performs no labor at all. Although people can discern whether the utensil leaks by observing the water in the utensil, that does not make it "used water." This cannot be compared to someone who cools a bottle of wine in water, since in that case the water actually does something for the person using it.

Harav Akiva Eiger (gloss to *Siman* 160) likewise discussed this issue and he did not rule conclusively about it. Other *Aharonim* (*Eshel Avraham* Oppenheim; responsa *Vaya'an Avraham*; *Arukh Hashulhan*) ruled definitely that the water remains fit for the mitzvah. Maran the Rishon Letziyon concluded that even if these *Poskim* would have not ruled definitely, we would still rule leniently regarding the mitzvah of *netillat yadayim*. One may use this water and recite the blessing of *al netillat yadayim*.

89. The *Or Letziyon* (Vol. II, page 92) explained that Rambam asserted that "used water" is disqualified for this mitzvah since it is considered sewage. The tap water received in our homes is obviously not considered sewage despite the fact that it has been used to turn the meter. Therefore, the water is still fit for the mitzvah. The responsa *Heshev Ha'efod* (Vol. I, #149) concurred with this explanation and added that even according to Rabbenu Shimshon, who explained that "used water" is disqualified because it has lost its identity as water, our tap water would remain fit for the mitzvah.

As stated in the previous halakha, if someone uses water to test a container for leaks, it is not considered "used water." The act of providing information without changing anything at all does not make the water "used." If so, in this case as well the water entering the home is not disqualified by having provided the information on the water meter. This can be compared to someone who weighed a container of water. As explained in halakha 13, this water remains fit for the mitzvah even though the weight is ascertained by using the weight of the water. In this case as well, we may say that the water remains fit for the mitzvah even though its flow enables it to be measured with the meter.

Watermill

When someone builds a watermill over a stream and uses the stream's flow to turn the paddlewheel, all the water that runs through the mill is now "used water." According to the arguments presented here, however, it is possible to say that the water remains fit for the mitzvah since the paddlewheel simply takes advantage of the force of the water that is flowing naturally. The *Eshel Avraham* Butchatch discussed this issue. This issue applies as well to hydroelectric plants built in dams across rivers. The truth is that in either of these cases the water remains fit for the mitzvah without question since the rule of "used water" does not apply to waters of a mikveh or a *ma'yan* in the ground, as explained below in halakha 21.

יח. מים הנוטפים מן המזגן, רשאי ליטול ידים בהם ואף לברך, משום שאינם נחשבים כמים שנעשו בהם מלאכה.

יט. מים ששתה מהם כלב, או חזיר, לא יטול בהם ידיו. אבל מים ששתו מהם שאר בהמות או חיות או עופות, כשרים לנטילת ידים. [הליכו"ע ח"א עמ' שמ]

Water dripping from an air conditioner

18) The water that condenses in an air-conditioning unit and drips out of it is fit for use for *netillat yadayim*. It is not considered "used water" at all. One must recite the blessing of *al netillat yadayim* in this case as well.[90]

If an animal drinks from the water

19) If a dog or a pig has taken a drink from a container of water, no one may use the remaining water for the mitzvah of *netillat yadayim*. If any other animal[91] or bird takes a drink from the container, the remaining water may be used for *netillat yadayim*.

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90. The *sefer Vaynatelem Vaynase'em* (page 119) explained that in the operation of an air conditioner, the frigid Freon gas cools the air that is blown across the gas lines. As the air cools, the moisture suspended in the air condenses and collects in the unit until it begins to drip out. This water is a product of cooling the air; it is not used in the cooling process at all. Therefore, it is not "used water." This is plain and simple, especially in light of the halakha about water used to test a container for leaks, found above in halakha 16. The *Piske Teshuvot* (page 372) likewise ruled leniently in this matter for the same reason.

The *Ma'yan Omer* (Vol. I, page 282) states that Maran the Rishon Letziyon was asked about this water and he responded, "What, you have no other water available for *netillat yadayim*?" The author deduced from this that there is some problem with using the water that drips from an air conditioner.

This deduction is untenable and is unreliable. It is obvious from the passage that Maran the Rishon Letziyon was not explained how the air conditioner works and why water drips from it. Therefore, we may reject the assumption that he ruled that it is problematic.

Water from an icebox

If ice was used to refrigerate foods and beverages [such as in an old-fashioned icebox or in a picnic cooler], after the ice melts the water may be used for the mitzvah of *netillat yadayim*. One reason given for this is that the ice's purpose is to cool the air temperature in the icebox; it is the cool air that refrigerates the food. The responsa *Keren LeDavid* added that it is the ice that does the cooling in this case, not water. When the ice melts, the water is a new substance; it is not what cooled the food in the icebox.

The responsa *Har Tzevi* (Vol. I, #89) ruled that if the ice is used only to keep the foods from spoiling, the water is not considered "used" since it is similar to the case of keeping a pre-cooled bottle of wine in water to prevent it from becoming warm. If the ice is used to cool foods or beverages that were room temperature, however, the water from the melted ice is considered "used water" and it is disqualified.

Other *Poskim* ruled stringently regarding this water since nowadays it is considered a waste product and is almost invariably thrown away after the ice melts. Certainly it is disqualified if it is so unclean that it is not fit to give to a dog to drink.

All this applies to old-fashioned iceboxes and picnic coolers. If someone has ice cubes that have melted, that water is certainly fit for the mitzvah since it is not "used" at all.

91. The *Ben Ish Hai* equated cats with dogs and pigs regarding this halakha, since once any of these animals drinks from a container of water it becomes sewage in the eyes of people. Nevertheless, if someone mistakenly used this water for *netillat yadayim*, Maran ruled that he has fulfilled his obligation and he may eat his bread. If some other animal or a bird drinks from the water, it is not disqualified at all.

The *Shulhan Arukh* (160:4) states, "Some *Poskim* ruled that if chickens drink from the water or if a dog laps up some of it, the water is disqualified, but it seems that this ruling is incorrect. In these cases, as well as if any other mammal or fowl drinks from the water, it is still fit for the mitzvah." This seems to contradict the ruling of the *Ben Ish Hai* regarding dogs. The responsa *Yaskil Avdi* (Vol. III, #6) attempted to reconcile the ruling of the *Ben Ish Hai*.

כ. מי שלא נטל ידיו, ונגע במים, לא נפסלו אותן מים לנטילה, ולא מיקרי מים טמאים. אבל אסור לרחוץ ידיו ממים שנטל בהם חבירו כבר. [רמ"א סי' קס ס"א]

כא. אין מלאכה פוסלת אלא במים שאובים, בין שהיו בכלי בעת שנעשתה בהם מלאכה, בין שהיו מונחים בקרקע בשעת המלאכה, שכיון שהיו שאובים מתחלה מלאכה פוסלת בהם. אבל לא במי

If someone touches water

20) If someone who has not performed *netillat yadayim* touches water in a container, he does not disqualify that water. It may still be used for the mitzvah of *netillat yadayim*. If someone performs *netillat yadayim*, pouring the water into a basin, no one else can use the water again for *netillat yadayim*.[92]

Water of a mikveh

21) The rule of "used water" applies only to water that has been drawn and placed in a container. If it then is used, whether in the container or even after it has been poured into a pool, it is disqualified. Once water has the status of "drawn water," the concept of becoming "used water" is applicable. Water in a mikveh or a *ma'yan*, however, is not disqualified even if it is used by someone. For example, if

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Maran the Rishon Letziyon (*Halikhot Olam* Vol. I, page 340) concluded that in practice we should avoid using water from which a dog or pig drank, following the opinion of the *Or Zaru'a*, since the *Magen Avraham* brings support for that opinion from the Tosefta. The *Magen Avraham* added that if Maran had been aware of this passage of the Tosefta he would not have ruled differently. Therefore, if someone did use this water for *netillat yadayim*, it is recommended that he perform the mitzvah again with proper water.

All this applies to water from which a dog or pig drank. If it was any other species of mammal or bird, Maran the Rishon Letziyon ruled that the water remains fit for the mitzvah, as Maran ruled, in contrast to the *Kaf Hahayim* Sofer (160:27) who lumped together horses and donkeys with dogs and pigs.

The *Ben Ish Hai* wrote that according to the *Poskim* who disqualified water after a chicken drinks from it, the same applies if any other species of bird drank from it, except for doves. He recommended observing this stringency if possible, calling on people to keep their water barrels covered so that no bird would drink from them. Even according to the *Ben Ish Hai*, this is a stringency beyond the requirements of the halakha.

92. The *Mishna Berura* (160:55) explained that this water has been rendered *teme'im* by being used for *netillat yadayim*. Even if someone would pour *revi'it* of water on each hand, in which case the water does not become *teme'im*, it is still disqualified since it is now "used water."

The *Aharonim* (cited in the *Mishna Berura* 160:54) ruled that if someone wishes to wash his hands after exiting the bathroom, he may scoop up water from the barrel in his hands and wash them in another place. In this way, the water remaining in the barrel remains fit for the mitzvah of *netillat yadayim*. The fact that he touched the water does not disqualify it. If someone would dunk his hands in the barrel and rub them in the water to clean them, he would disqualify the entire barrelful as "used water." This is so even if there was no real filth on his hands. Since he had touched his skin and is required by the halakha to wash his hands, this is considered an act of washing hands making it "used water."

Water that drips from the hands into the barrel

If someone washed his hands, whether performing *netillat yadayim* to eat bread or to cleanse his hands after using a restroom, and some water dripped from his hands into the barrel of yet unused water, the water in the barrel is not disqualified. There is nothing wrong with using that water afterward for *netillat yadayim*.

The *Ben Ish Hai* (*parashat Kedoshim* halakha 19) ruled that if some disqualified water becomes mixed with a greater amount of kosher water, all the water may be used for *netillat yadayim*. This is an example of *bittul berov*. This is the halakha even if there was an entire *revi'it* of disqualified water. See the comment of the *Halakha Berura* (pages 166 and 204).