



Overview

Halacha Highlight

Siman 537 Seif 3:

Rivers that convey water from lakes may be used to water a *bais hashalchin* during the *moed* provided that the water did not come to an end. Similarly, if ponds have an irrigation canal connecting them, it is permitted to water a field from them. Likewise, if a pond drips from a *bais hashalchin* and continues to drip, it is permitted to water another *bais hashalchin* provided that the spring that the waters of the upper *bais hashalchin* have not stopped.

- ❖ Meaning it never stops but if it does, even if now it has plenty of water it is prohibited to water from it because Chazal's injunctions apply in all cases (לא פלוג) (M.B. 9)
- ❖ Bais Yosef cites authorities who maintain that the irrigation canal must enter the ponds but Ritva contends that as long as the canal is near the field it is permitted. (M.B. 10)
- ❖ There is an elevated *bais hashalchin* with a stream running next to it. On the other side of that field is a lower *bais hashalchin* and there is a pond connecting them and when one waters the upper field water drips into the pond and from there to the lower field. (M.B. 11)
- ❖ As long as water drips from the upper field from water in the stream we assume that it will not cease. (M.B. 12)
- ❖ If the stream stopped it is prohibited even though the water continues to drip. (M.B. 13)

Siman 537 Seif 4:

One may draw water for vegetables so that they should grow if he intends to consume them during the *moed*. If he will not consume them during the *moed* but intends to improve their quality, it is prohibited.

- ❖ Meaning they should be fit for consumption, even if he intends to sell them. (M.B. 14)
- ❖ A large measure of exertion is permitted for food. There is a dispute whether a large measure of exertion is permitted for food preparatory activities. (M.B. 15)
- ❖ This is prohibited even if one will direct the water rather than draw it from a pit. (M.B. 16)

Siman 537 Seif 5:

One may not form furrows at the roots of vines so that they should fill with water. If they were previously formed and ruined, they may be repaired during the *moed* (but it is prohibited to deepen them more than they were in the first place).

- ❖ The furrow must remain discernable, even if it is merely a *tefach* deep. (M.B. 18)
- ❖ It is also prohibited to widen it. (M.B. 20)

Siman 537 Seif 6:

If an irrigation canal becomes ruined it may be repaired. If it was a *tefach* deep one may dig to a depth of 6 *tefachim* and

Watering trees and vegetables

Shulchan Aruch Siman 537 Seif 4
ירקות שרוצה לאכלן במועד

Vegetables that one will eat during the *moed*

Shulchan Aruch (סעי' ד') rules that one who intends to eat vegetables during the *moed* may water them so that they should grow and be fit for consumption. If one does not intend to eat them during the *moed* and the purpose in watering them is to improve them, it is prohibited. Mishnah Berurah (סי'ק ט"ו) points out that Shulchan Aruch uses the term לדלות, meaning to draw water from a well, to emphasize that since the purpose is to provide food, it is permitted even if the *melacha* involves a considerable amount of exertion. On the other hand, if one does not intend to eat the vegetables during the *moed*, even if watering them does not require drawing the water and instead only requires diverting water towards the vegetables, it is prohibited.

Mishnah Berurah (סי'ק י"ד) writes that when Shulchan Aruch writes that it is permitted to water vegetables if one will eat them, he does not mean that it is only permitted for the one who will eat them to water them. Shulchan Aruch means that if the intent of the gardener is to make them edible during the *moed*, even if he will then sell them to others to eat, it is permitted. Rav Shlomo Zalman Auerbach (שמיירת שבת כהלכתה פס"ו הע"י ק"יח) rules that it is permitted for one to water a fruit tree during *chol hamoed* of a *shemittah* year. The reason is that the Torah states that the produce of the *shemittah* year is available for anyone to eat, so watering the tree fulfills a *moed* need since the tree is available for him to eat the fruit. On the other hand, if there is an ownerless tree he is uncertain whether one may water it since he has no connection to the tree. He subsequently wrote (ח"ג שם) that if there is an ownerless tree adjacent to one's property and no one else will benefit from the fruit, it is permitted to water it.

if it was 2 *tefachim* deep, it may be deepened to 7 *tefachim*.

- ❖ If it became completely clogged so that even a *tefach* of depth no longer remains, it is prohibited to repair it since it is as though one is digging a new canal. (M.B. 22)
- ❖ The Gemara implies that one is repairing rather than digging deeper for the first time and many *Poskim* rule in accordance with that approach. (M.B. 23)
- ❖ Even if it was more than 6 *tefachim* deep it may not be deepened more. (M.B. 24)
- ❖ This would also involve digging five *tefachim* deep. It may be that one may not dig deeper since moving dirt from eight *tefachim* deep involves a considerable amount of exertion and one should adopt a stringent approach to such matters. (M.B. 25)